

German authorities persecute anti-fascist protester

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9 July 2013

After seven days of proceedings, the Dresden District Court has suspended the trial of Lothar König indefinitely. The prosecution accuses König, a youth pastor from Jena, of serious breach of the peace, obstruction of justice and resisting a law enforcement officer. He is alleged to have incited protesters to engage in violence against police on February 19, 2011 at the annual anti-fascist demonstration in Dresden.

The stay of proceedings came at the request of the defence, who have accused the police of operating a “counterfeiter’s workshop” and suppressing evidence.

A police official summoned to give evidence had casually admitted that the police possessed more than 200 hours of video of the demonstration, and have specifically selected relevant criminal scenes. But the official case file included only two hours of footage.

After sifting through the previously withheld material for only a few hours, the defence discovered recordings that exonerated König. They now want to view all the material, as the police were “not reliable”. The scope of the withheld records mean this could not be done in parallel with the court proceedings. Therefore, the court approved the suspension of proceedings.

The 200 hours of withheld video evidence are just the tip of the iceberg. The trial against König has repeatedly been characterised by false statements and the forging of evidence. The history and course of the proceedings show that this cannot simply be put down to over-zealousness or sloppiness by an otherwise properly functioning legal system. Rather it represents a kind of show trial, with some layers in the Saxony state authorities seeking to criminalize any opposition to the annual neo-Nazi march in Dresden.

The case against König is the culmination of a broad campaign against anti-Nazis by the Dresden prosecutor in a state considered to be a centre for the ultra-right. Saxony is a stronghold of the far-right German National Party

(NPD), which has sat in the state legislature for nine years. The National Socialist Underground (NSU), responsible for racist murders and numerous bank robberies, operated for at least nine years unmolested in the Saxon town of Zwickau.

During the 2011 anti-Nazi demonstration--the occasion of the alleged offences by König--the police illegally collected more than a million pieces of mobile phone data and initiated criminal proceedings against thousands of anti-Nazis. Special Forces units from Saxony stormed and searched the homes of suspects, in part without a warrant and using brutal methods. The raids included König’s office in Jena, in the neighbouring state of Thuringia. Without consulting the authorities in Thuringia, the Saxony police confiscated computers, CDs and even the VW bus parked outside König’s house.

Newsweekly *Der Spiegel* commented at the time regarding the massive action by the police and judicial authorities against anti-Nazi protesters: “Indeed, it seems as though the Saxon state and judicial authorities are harshly persecuting citizens who oppose neo-Nazis, but grant the right-wing extremists free rein”.

Jan Hille, a spokesperson for the Dresden prosecutor’s office, compared such criticism with that expected from “the far-right or troublemakers”.

The nearly 60-year-old König has long been active in the demonstrations against Nazis and right-wing elements. As he has done every year, he accompanied the 20,000-strong demonstration in 2011 in his converted VW bus with a loudspeaker, protesting against approximately 3,000 neo-Nazis.

During the demonstration, there were clashes between police and protesters, in which 118 officers were seriously injured, according to the police. In reality, however, only eight police officers were incapacitated for a short time, and most received only slight injuries when they acted against the demonstrators.

The prosecution accuses König of inciting protesters to acts of violence against police officers through his alleged statements or by his mere presence. With his loudspeaker, he is said to have acted as a “communications point and coordinator for violent actions” and “from his vehicle, called on left-wing people to engage in violence”.

König’s loudspeaker is said to have broadcast the words, “pelt the cops with stones and rocks”. Furthermore, König is supposed to have tried to use his VW bus to force a police vehicle off the road.

König rejected all these allegations from the start. Many photos and much witness testimony attest to the fact that he was trying to de-escalate the situation, although the police repeatedly tried to block the protesters’ way. It is likely that the new video evidence will substantiate this, and expose the official account of “violent protesters” and “police trying to de-escalate” the situation as a lie.

In their efforts to convict König, prosecution and police have entangled themselves in contradictions and false statements, and have withheld evidence from the defence. For example, only a few days before the start of the trial the defence was given access to the original police files, a loose collection of over 170 sheets and a CD with video recordings, of which they had no prior knowledge. The start of the proceedings was subsequently postponed at short notice.

Similar incidents occurred several times during the trial. The defence only found out about hitherto unknown documents by chance or through eyewitness testimony.

Four federal police officers, whose testimony incriminates König, wrote almost identical reports some two months after the events. Despite their implausible assertion that the reports were written freely and independently, they were not questioned under oath or warned of the consequences of giving false evidence.

Video footage provided by the defence, filmed from the roof of König’s VW bus, shows the brutality of the police and how brazenly they then falsified the sequence of events of the alleged crimes on the witness stand. It documents how police officers with batons beat up a teenager, whom König allegedly helped escape. Two years after the events, because of the public attention, the prosecution was finally compelled to initiate proceedings for “bodily harm” against the two officers.

Their senior officer, team leader Alexander E., was a witness at König’s trial, but could not remember the use of any batons. Faced with the video of the crime, he laughed. He reacted to defence questions at first evasively, and then curtly, saying “Be quiet!” Although

23 days after the incident he had gone on record saying he did not know exactly what had happened, he now insisted that he “definitely” heard the call “pelt the cops with stones!” coming from König’s loudspeaker van.

König’s innocence becomes more apparent with each day of the trial, and the proceedings are turning into a farce. “Based on the indictment, the recordings must have come from a parallel universe” said *taz* newspaper. “In court, things always run in this way: The defence questions police officers, who are quite certain of their testimony. A video is shown and he police then say: My memory of this is different”.

Despite the evidence in his favour, König is pessimistic about the outcome of the trial. In an interview at the beginning of the proceedings he said that “with this venality”--meaning that of the authorities--there will be a conviction.

Presiding judge Ulrich Stein has indicated that not only the specific alleged crimes but also König’s behaviour throughout will be crucial when reaching a ruling. Fears that he will convict König are not unfounded.

Only a few months before König’s trial, the same court sentenced Tim H.--who previously had no criminal record--to 22 months in prison without parole for serious breach of the peace, assault and defamation. In this case too, neither the court nor the prosecutor were able to present concrete actions undertaken by the accused or even his general complicity.

Four civil rights organizations--the Humanist Union, the Committee for Basic Rights and Democracy, the Republican Lawyers and Attorneys Association, and the Association of Democratic Lawyers--have already branded the case against König a “political trial”.

Meanwhile, in a joint press statement, twenty lawyers representing relatives of murder victims in the legal proceedings in Munich against the fascist NSU expressed their solidarity with Lothar König, and criticized his trial: “Everything we know about the trial so far is that the indictment rests on falsehoods and allegations from the police and prosecutors. Therefore it seems to us that Lothar König is actually being accused for his anti-fascist activities. ... We call for the immediate termination of the proceedings against Lothar König”.



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