

Austrian judiciary persecutes German student protester

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The judiciary in Vienna is determined to make an example of Josef S., a student from the German town of Jena. He faces five years in prison after participating earlier in a protest against the Vienna Academics Ball—an event organised by right-wing extremists from across Europe.

The German student has been in prison since January 24 and is the only protester to be held in custody from the 8,000 who originally took part in the demonstration. He is charged with breach of the peace, serious damage to property and intent to cause serious injury, although there is no viable evidence to link him with any of these crimes.

It is not the first time that demonstrations have been held against the ball. Up until 2012 the Vienna ball was organized by right-wing student fraternities in the Hofburg palace, the former residence of the Habsburg Monarchy and the current residence of the Austrian president. In 2012 the Hofburg refused to rent out its premises to the fraternities because of the increasing large protests.

Last year the Vienna state association of the far-right Freedom Party of Austria (FPÖ) took over patronage of the event and gave it a new name. The Freedom Party is the third largest party in the Austrian parliament, and cannot constitutionally be prevented from organizing such activities.

In Europe the FPÖ collaborates with extreme right-wing organizations. In the European Parliament it cooperates with the French National Front, the Dutch Freedom Party of Geert Wilders, the Italian Lega Nord and the Belgian Vlaams Belang. Accordingly, leading right-wing extremists from all over Europe have attended the Vienna ball in recent years, including the chair of the French National Front, Marine Le Pen. Leading figures from the Austrian elite are invited and

regularly attended the far-right balls.

In order to protect the neo-fascist groups, the police cordoned off a large area of the Austrian capital. Even when US President George W. Bush visited the city in 2006 the restricted zone was smaller than that set up for the Vienna Academics Ball. This year large areas of the inner city were cordoned off and the several hundred guests were protected by a contingent of 2,000 police officers. With a handful of selected exceptions, the media were also denied access to the restricted area and the ball itself.

On the first day of the trial on June 6 the prosecution alleged that Josef S. was part of a masked, violent group and was involved in provoking police who were protecting those attending the ball. The lack of any real evidence on the part of the prosecution, plus the material presented by the defence, indicate that Josef S. is innocent.

The prosecution is relying mainly on the dubious testimony given by a plainclothes policeman attached to a unit of the Vienna Intervention Force. This officer alleges he was struck by Josef S.'s eye-catching sweater. According to the officer the student had given "gesticulating instructions" and called upon demonstrators to keep going as he ran at the head of a group toward the police. The police officer also claimed that Josef S. had thrown stones and a trash can at the task forces, damaged a police car and thrown a smoke bomb through the broken windows.

There is no evidence, however, to back up these assertions. In particular, there are no video recordings, although the demonstration was carefully observed and filmed. The plainclothes police officer had to admit in court that he himself was arrested by other officers at the event, suggesting that he had acted as an agent provocateur. The only "unique" piece of evidence to be

presented was a recording of a voice calling, “Keep going, keep going”, alleged to be that of the accused student.

The defence is mainly based on the analysis of various sources and a specialist report of the sound recording. According to defence counsel Clemens Lahner, there is no video or photo featuring the student in his pullover with his face covered. The defence analysis of the sound recording presented by the main prosecution witness reveals that the voice is not that of Josef S.

Lahner said he had been unable to find anything incriminating among the thousands of videos or photos of the demonstration. A sequence from a report by the Austrian Broadcasting Corporation shows Josef S. up righting a trash can, not throwing it as he is accused. Surveillance cameras from shops show Josef S. walking and not carrying out any sort of violent activity. Two other police witnesses were also unable to demonstrate evidence of any sort of violent behaviour by the student.

During his detention Josef S. has received considerable support, including from the teaching staff at the University of Jena. His professor from Jena, Dörte Stachel, has backed the student, describing him as “peaceful, honest man”. The director of the Institute for Materials Research in Jena, Markus Rettenmayr, wrote a letter to the parents of the young man speaking on behalf of the entire college. According to the letter cited in the *Süddeutsche Zeitung*, he was a young, polite student who showed not the slightest inclination towards violence.

Other supporters describe him as a quiet young man who had worked to deescalate the situation when it came to “civil disobedience.” He has never had any previous problems with the police. According to his father it was the growth in the activities of the far right in the East German town of Jena, and the series of racist murders carried by the neo-Nazi NSU gang, which had politicized his son.

Despite the lack of any real evidence against Josef S., the judge asserted on the first day of the trial that the evidence against him had “increased”. The student remains behind bars despite the fact that he has already been behind bars under extremely severe conditions for more than five months (he is allowed just one half hour private visit per week). The *Süddeutsche Zeitung*

headlined its report “A Trial of Kafkaesque proportions”.

The whole procedure indicates that an example is to be made of Josef S. Whoever stands up to the far right is to feel the full force of the state.

The state has a powerful card in its hands with the charge of “breach of the peace”, which was only recently reintroduced in Austria. According to this law anyone can be arrested and charged with participating in an “assembly” in which serious damage to property or personal injury takes place. It is not necessary for suspects to have committed any crimes; knowledge of “crimes” is sufficient for prosecution.

The law opens the floodgates to manipulation and provocations. Protesters can be arrested at demonstrations at which plainclothes police provoke violence. At the same time, “assemblies” of right-wing extremists in highly exclusive buildings such as the Hofburg can rely on protection by the Austrian state.



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