

Austrian court delivers draconian verdict against student protester

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On July 22, a court in Vienna sentenced Josef S., a student from Jena in eastern Germany, to twelve and a half months in prison. The six months he has already spent in custody will be deducted from the jail term. The young man will spend the remaining six months on probation.

Joseph S. had participated in a demonstration against the right-wing Vienna Academics Ball in early January. He has now been convicted of a breach of the peace, attempted grievous bodily harm and serious damage to property. Although S. has been allowed to travel back to Jena, he now has a criminal record.

The scandalous verdict was delivered despite the lack of any incriminating evidence. Statements made by the key witness, an Austrian plainclothes police officer, contradict the testimonies of his colleagues. No photograph or video footage of the otherwise well documented demonstration shows Josef S. committing a criminal offence. Gunshot residue from a firework that he allegedly threw into a police car is said to have been found on his right-hand glove. He is actually left-handed. *Spiegel Online* headlined the story: “Found guilty due to lack of evidence”.

Nothing in the proceedings indicates that he received a fair trial. The judge adopted the state prosecutor’s line of reasoning. The hatred of the protesters, described by the public prosecutor as a “rent a mob”, was clearly evident from the beginning of the second day of the trial. It was clear that the protests against the ball amounted to a matter of “terrorism”, he said. The “victims” of the protest, the *Burschaften* (far-right student fraternities), were described by the judge as “the new Jews”, fraternities that were mixing at the ball with the most prominent representatives of the extreme right in Europe!

The judge and state prosecutor are by no means

ideologically distant from Hans-Christian Strache, the organiser of the Vienna Academics Ball and head of the extreme right Freedom Party of Austria (FPÖ). In his opening speech at this year’s ball, Strache said it was “a democratic duty not to allow ourselves to be driven out of these venerable halls [of the Vienna Hofburg] by the mob on the street”.

The verdict against Josef S. is politically motivated. Its aim is to restrict democratic rights and deter those who would make use of them. Just as Joseph S., anyone can be indefinitely incarcerated without any evidence, merely on the basis of the dubious testimony of a plainclothes police officer who is also a member of a special task force.

The statute concerning “breach of the peace”, which played a major role in the Jena student’s prosecution, goes even further. Anyone who takes part in a demonstration in which crimes are committed, and does not immediately depart from the scene, makes himself guilty of an offence. He himself need not have committed any of these crimes. This opens the way for provocations and manipulations on the part of the police and state authorities.

Judgments like the one against Joseph S. will increase, as political and social conflicts intensify. Using the courts, any opposition from the population—the “mob” as Strache termed it—will be criminalized and suppressed. The law will operate to safeguard the rich and right-wingers.

In an interview with the online edition of the Austrian daily *Der Standard*, Josef S. also revealed the way the verdict has affected him personally. He said he would “now think twice about which demos I participate in”. The probationary sentence makes him an easy target.

A reader of the newspaper commented that he also is

now reluctant to take part in demonstrations, because he has a job and a family to protect.

Nevertheless, about 1,000 demonstrators assembled in Vienna on Saturday to protest against the court ruling. The convicted student is considering appealing against the verdict.



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