

Germany: Trial of anti-Nazi pastor ends in compromise

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The Dresden district court decided to abandon the prosecution of pastor Lothar König on November 10, after a year-long break in proceedings. The youth pastor from Jena was accused of breach of the peace, attempted obstruction of justice and resisting uniformed officers. It had been alleged he encouraged protesters to commit acts of violence against the police on February 19, 2011, during the annual anti-Nazi protests in Dresden.

The trial was a farce from the outset. It was based on fabricated allegations, speculative and false statements by the police and, according to the defence, falsified evidence. In July 2013, the trial had to be postponed because the police had withheld video evidence from the defence that exonerated the accused.

Although the police and state prosecutor had no valid evidence to accuse König, the trial was not abandoned under the criminal code for lack of evidence of a criminal offence. The presiding judge determined that this was above all due to negligence and that König should pay a fine of €3,000.

König had previously pointed out that the trial concerned basic democratic rights. It was not only one person on trial, the pastor said, but was a matter of defending the right to freely protest.

However, following the abandonment of the prosecution, the defence stated that König had proposed the deal. He had decided to be “led” by “his profound pastoral obligation,” and with a “conciliatory conclusion” he “maintained the quest for earthly justice.” Due to the trial’s abandonment because of negligence it will be much harder for König to claim compensation.

In addition, the state prosecutor can maintain their groundless allegations against König. A spokesman for the state prosecutor noted that the halting of the trial

did not by any means indicate that “there was no basis for the accusations against Mr. König.”

The prosecution of Lothar König was the spearhead of a wave of repression launched by the judiciary in Saxony against anti-Nazi demonstrators that was aimed at the undermining of core democratic rights. This took place in the state where the neo-Nazi National Democratic Party (NPD) had parliamentary representation until recently, and where three members of the right-wing terrorist group National Socialist Underground (NSU) were able to act underground for years unhindered.

Immediately prior to the demonstration that led to König’s prosecution, the offices of the Left Party in Dresden were raided by a special forces commando unit and thoroughly searched. The raid was justified with the claim that there was suspicious criminal activity and a breach of the peace was being planned.

In order to justify the repressive measures, the allegedly high number of injuries to police officers was cited. Two dailies, *Die Welt* and *Frankfurter Allgemeine Zeitung*, headlined their reports on the events almost identically, stating “82 police injured.” Later reports spoke of 118 injured officers. In reality, only eight police officers were reported as being incapable of carrying out their duties for a period of time.

By contrast, numerous amateur videos showed how the police acted brutally against protesters who were clearly peaceful. They not only used pepper spray and batons, but also water cannon under conditions of sub-zero temperatures.

During the demonstration, the police also illegally collected over a million instances of mobile telephone data from around 50,000 users in the city. Subsequently, criminal prosecutions against thousands

of anti-Nazi demonstrators were introduced. Special force commandos from Saxony later stormed and searched the apartments of suspects, often without warrants and with brutal methods, including König's office in Jena, Thuringia. The immunity of several deputies in the state parliament was lifted and investigations begun against them.

The most severe punishment was meted out to Tim H. in January 2013, who despite having no previous criminal record was sentenced to 22 months imprisonment without bail for severe breach of the peace, bodily harm and insulting a police officer. However, even this was not enough for the state prosecutor, who lodged an appeal. Proceedings are due to begin on December 8.

In this context, it should be noted that an investigation into an obscure anti-fascist sports group was halted quietly earlier this year. The group was obviously a creation of the state prosecutor for the purpose of charging demonstrators for organising a criminal group under section 129 of the criminal code. Lothar König was also linked for a time to this group, which allegedly hunted down neo-Nazis.

While the police and state prosecutor took action against Nazi opponents, evidence came to light about the close connections between the security forces and the right-wing extremist terrorist group NSU (National Socialist Underground). The NSU was shielded over a long period of time by agents of the intelligence service and police. Alleged NSU member Beate Tschäpe reportedly received a call on her phone from a number belonging to Saxony's interior ministry shortly after she set fire to her apartment.



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