

# Hamburg court acquits defendants in Cologne New Years Eve frameup

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In Germany, scarcely any other events in recent history have provoked such intense controversy as those on New Year's Eve 2015/2016 in Cologne, Hamburg and other large cities, when foreigners and refugees are alleged to have harassed and raped women on a mass scale.

The indignation expressed by the media and politicians was part of a deliberate policy aimed at undermining the sympathy of broad layers of the population for refugees from Syria and other countries where civil war is raging, and to transform a culture of welcoming into a culture of hostility.

The WSWS warned at the time that the events were being exaggerated out of all proportion. (See: "The assaults in Cologne and the call for a strong state" and "Three men sentenced for petty crimes at New Year's event in Cologne, Germany").

A court decision in Hamburg has now confirmed that the accusations and evidence were manipulated by the police. Along with the small number of those sentenced for the attacks, this court decision suggests that the "events of New Year's Eve" were largely an invention by the media.

The Hamburg court has acquitted the last three supposed New Year's Eve perpetrators. Judge Anne Meier-Göring decided that it had been demonstrated that Alireza N., Abidi A. and Aydub B. did not commit the crimes of which they were accused. The public prosecutor's office had also called for an acquittal.

The judge levelled severe accusations against the police investigation and the state prosecutor's office responsible for keeping the three accused men in custody for almost half a year during the investigation. The defendants were accused of groping women together on the Große Freiheit street in the St. Pauli district of Hamburg. They allegedly groped the female

student Merle N. on the bottom, between the legs and on the breast.

The young woman did not report the event to the police until several days after New Year's Eve, after the first media accounts of sexual attacks had already appeared. On the night of the alleged attacks, she continued to take part in the celebrations until 4:30 a.m. Therefore, there was no traumatization of the victim as claimed during the trial.

The young woman told a policeman on the telephone that she could not describe any of the perpetrators. The only thing she remembered was a black jacket and a ring. In court, she described the police questioning. She was first given the chance to be alone and examine at her leisure pictures taken by a photographer at the New Year's Eve party.

The responsible commissioner sat in another room at the time. *Zeit Online* pointed out that this procedure is contrary to the rules of investigation. "When photos are presented, the genuine first moment is important. How does the witness react? Do the memories come quickly or is she making something up?" In court, the commissioner admitted that, in retrospect, she could not describe her behaviour as "professionalism."

The judge accused another policewoman of asking questions in a suggestive way and of providing "false facts"—what one normally calls lies—during questioning. For instance, she asked the young woman *what* the men who were standing around in the photograph had done. *Whether* they had done anything at all was obviously irrelevant. She also failed to tell the young woman that the pictures were not taken at the time the crime is supposed to have taken place.

During questioning, she deceived a defendant with "false facts." According to the documents, the policewoman claimed during questioning that she knew

that the accused had groped women on the Große Freiheit. This was a lie. In answer to the question of the judge about how she justified using such forbidden methods of questioning, the policewoman replied: “I do not share the outrage and also do not think that it is a forbidden method of questioning.”

The only “crime” committed by the three defendants was to celebrate New Year’s Eve in St. Pauli. However, they spent almost half a year in custody on suspicion with only one short interruption. A defender termed this deprivation of liberty.

After about three months, the Hamburg district court cancelled the arrest warrants of the three young men, because it saw insufficient evidence against them at that time. However, the Hamburg Higher Regional Court restored the arrest warrant for another three months after the State Prosecutor’s Office complained.

Judge Meier-Göring now calls this decision “puzzling” and “a flagrant mistake.” “This cost the defendants three [additional] months of their lives and Hamburg a lot of money.”

All three defendants were compensated for their time in detainment and each received €4,500 (€25 for each day). In addition to the three young men who have now been acquitted, other innocent defendants were also detained, some for several months.

The accusations levelled against foreigners and refugees by the police, the media and politicians for propaganda purposes at the beginning of the year have vanished into thin air.

Initially, it was claimed that 400 women had been groped on New Year’s Eve in Hamburg. There were 243 criminal complaints and 21 suspects were investigated. However, only in three cases was there enough evidence for an indictment. In the case that has now been decided, one can see how the suspicion of a crime came about: through lies and manipulation by the police and investigating authorities. In Hamburg, only a single defendant was found guilty of a sexual crime and sentenced.

In Cologne, where the campaign against refugees and foreigners began after New Year’s Eve, the state prosecutor made a note of almost 1,300 alleged victims. There were 1,182 criminal complaints, including 497 sexual attacks and five rapes. Out of a total of 183 accused, only 22 were charged, mostly with theft offences. Only one trial ended with a sexual assault

conviction and one other with a sexual insult conviction.

The events of New Year’s Eve were enormously exaggerated and used as a pretext for shifting the political climate to the right. In a racist manner, the media and politicians painted a picture of dangerous, criminal hordes of foreigners, who harassed German women and girls. This propaganda was then used in order to build up the police apparatus, expand surveillance, and tighten laws aimed at foreigners and refugees, in order to make it possible to deport refugees from the country as quickly as possible. All those who took part in this propaganda campaign share responsibility for the consequences.

However, the state and the media are still not content. The *Hamburger Abendblatt* criticized the most recent acquittal because the state court defended the principles of the rule of law. These judgements make sense if they are taken individually, the newspaper wrote. However, according to the crude logic of the commentary, the judgements “in their entirety” undermine “trust” in the rule of law. In the end, this benefits the right-wing Alternative for Germany (AfD), the paper insisted.

Author Matthias Iken emphatically attacked the state court’s criticism of the police: “Without a doubt, serious mistakes were made. But how should one apprehend perpetrators who collectively commit crimes in a large group? How is a victim supposed to remember individual faces months later in an unusual situation?”

He does not answer his own question, but his answer is apparently: alleged perpetrators must be apprehended even on the basis of the “provision of false facts.” Such substitution of facts with racist prejudices is fundamental to the standpoint of the AfD.



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