

Germany: A politically motivated verdict in Chemnitz refugee trial

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26 August 2019

A 24-year-old refugee from Syria has been imprisoned for years, so that the far-right Alternative for Germany (AfD) and the right-wing extremist mob, which rampaged in Chemnitz last summer, can claim their victim.

The Chemnitz district court sentenced hairdresser Alaa S. on Thursday to nine and a half years in prison for “manslaughter and grievous bodily harm.” He was found guilty of stabbing 35-year-old Daniel Hillig on August 26, 2018, and injuring his companion Dimitri M. in the back. The evidence, said chief justice Simone Herberger (56), justified the harsh sentence, and had removed “all doubts” concerning the guilt of Alaa S.

In fact, there is not a single piece of objective evidence to prove Alaa S.’s guilt. Neither DNA traces, nor a murder weapon. Not even a scratch or bruise from the alleged involvement in a fight. Neither of the victim’s friends, who were present at the scene, recognized him as the culprit. Not even Dimitri M., whom he allegedly stabbed.

The indictment was based on the testimony of a single witness. Younes N. worked as a cook in a kebab restaurant near the crime scene. From there, he claims to have seen Alaa S. attacking the victim “with clubbing or stabbing movements,” according to a police report.

It would have been very difficult for this witness to have seen the action clearly. He was looking out into a dark night from the shop, with bright fluorescent lights above the window. It is hard to imagine that he was able to see the defendant 60 metres away amid the confusion of quarrelling people. Later, he contradicted himself several times and, in court, denied what he was supposed to have told police.

Alaa S. made use of his right to silence in the trial and has always denied any guilt. In his closing remarks

in court, he said, “I can only hope that the truth will be brought to light here and a just verdict is pronounced” and that he would not be the second victim of the perpetrator.

The verdict is so obviously politically motivated that even many media outlets have been unable to deny it. “In the name of the angry people,” ran the headline on *Spiegel Online*, “If in doubt, for the mob,” ran the online edition of *Die Zeit*. “Something monstrous happened with our constitutional state,” it says in *Die Zeit*, “It looks like a politically motivated sentence was passed at a German court.”

The verdict of the Chemnitz court confirms the assessment of the WSWs that the AfD and its neo-Nazi environment are systematically supported and promoted by the state apparatus—the secret service, police and judiciary—and the political parties.

The blood of Daniel Hillig, a left-leaning German-Cuban, was not yet dry and almost nothing was known about the crime, when leading AfD representatives marched side by side with notorious neo-Nazis through the streets of Chemnitz. Days later, there were riots, immigrants hunted down on the streets and attacks on journalists and a Jewish restaurant.

When this aroused nationwide outrage, the then-president of the secret service, Hans-Georg Maassen—and initially also the Saxony state premier Michael Kretschmer (Christian Democratic Union, CDU)—publicly lined up behind the right-wing mob. Maassen was eventually replaced, promoted to a higher post in the Interior Ministry and then given early retirement. Now the state-subsidized official is conducting the CDU election campaign in Saxony using AfD slogans.

In Chemnitz itself there were striking connections between neo-Nazis and state organs. This was already

evident in the arrest of Alaa S. and another suspect, Youssef A. Shortly after their arrest, a judicial official passed Youssef's identity and address to the right-wing extremist group "Pro Chemnitz," which it then spread on the Internet. The same official later resigned and is running for the AfD today.

Youssef A. was released soon for "lack of evidence." Alaa S., however, remained in prison. The police allowed another suspect, 22-year-old Farhad A., whose DNA was found on a knife near the crime scene, to escape. Although he was known as a violent offender and the knife was found on the day after the crime, the search for Farhad A. was taken up only five days later, when he was long gone. Alaa S. then had to serve as the fall guy. He was tried, although there was no evidence against him.

From the beginning, the trial itself faced the pressure of expectations that the defendant had to be found guilty—with or without evidence. Again and again, there were threats that the AfD and neo-Nazis would riot if the court did not convict the defendant.

Before the beginning of the trial, the mayor of Chemnitz, Barbara Ludwig (Social Democratic Party, SPD), told the *taz* that she hoped "there is a conviction." In the case of an acquittal, "it would be difficult for Chemnitz."

In the course of the trial, the court brushed aside numerous motions from the defence and accelerated the proceedings. Apparently, the verdict had to be handed down before the state election in Saxony on September 1.

Munich defence lawyer Ricarda Lang, for example, applied for a review of the impartiality of the judges. She asked whether the judges had participated in far-right Pegida rallies or were sympathizers or members of the AfD, and whether they had previously expressed negative views about refugees. According to Ms. Lang, her client had the right to know whether the judges "are open-minded" because the defendant "corresponds to the declared enemy of the people who support the AfD and similar organizations." The motion was denied.

Lang's application to relocate the proceedings to another federal state because the "pressure from the streets" rested too heavily on the trial was rejected by the Federal Court. After the proceedings, Lang expressed her belief that "it would never have come to a conviction" if the trial had taken place in another

court, in another state, in another city.

Other motions that would have helped to substantiate the guilt or innocence of the defendant through scientific opinions and expert scrutiny were flatly rejected. The court clearly wanted to come up with a culprit. As defence lawyer Lang said, "Our client never had a chance. He was used, he is a sacrificial pawn."

In the recently broadcast ZDF programme *Frontal 21*, Alaa S., who sat for a year in pre-trial custody, spoke out. He said he felt "like someone in a nightmare from which you never wake up." He asserted that he did not touch Daniel H. He had lost a sister himself and knew "what feelings these two have now, the sister and the mother [of the victim]." He was "scared every day. I imagine every day, when I come out now, how can I go on living in Germany? Or where should I go?" Later, in the court, he added that he was also afraid of prison officials.

In her closing remarks, the defence attorney reiterated that the evidence did not establish the defendant's guilt. She pointed to the many inconsistencies and contradictions that had accompanied the whole process from the beginning and pleaded for acquittal and compensation for the wrongful detention of her client.

The court obviously did not care about the pleas of the defence. Just three hours later, it pronounced its verdict. The defence plans to appeal.



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