

Germany: Long prison sentences for attacking Nazis—a political judgement

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The Dresden Higher Regional Court has sentenced 28-year-old Lina E. to five years and three months and three other defendants to around three years each in prison. The court determined that the four had formed a criminal organization that targeted, attacked and injured neo-Nazis. Investigations of another 15 suspects are ongoing.

The court suspended Lina E.'s arrest warrant, albeit with strict reporting requirements, because she had already spent two and a half years in pre-trial detention. However, she will have to serve at least one more year in prison if the verdict becomes final.

The trial against Lina E. and the draconian sentences are politically motivated and serve, in more ways than one, political purposes.

The verdict itself is based on questionable circumstantial evidence, conjecture and the testimony of a dubious key witness. Despite 98 days of hearings, the court failed to produce clear evidence of the acts that led to the defendants' convictions. In only one case—the attack on neo-Nazi Leon R. in the city of Eisenach in December 2019—was it able to prove an indirect link between Lina E., who was arrested shortly thereafter, and a specific act.

The Federal Public Prosecutor's Office, which is responsible for crimes against state security (prosecutions are otherwise the responsibility of the federal states), immediately seized upon the case and deliberately inflated it. It had Lina E. flown to the arresting judge in a helicopter like a terrorist, ensured that she remained in pre-trial detention for two and a half years, labeled her a ringleader and demanded a prison sentence of eight years.

The Federal Prosecutor's Office "knew only one direction," as a commentary in the *taz* newspaper put it: "Whenever a woman was at the scene of the crime, it was supposedly Lina E. Whenever there was circumstantial evidence, it was interpreted against the defendants.

Authorities even kept for themselves an alibi of one of the defendants, which was lying dormant in the files of the Federal Prosecutor's Office, either accidentally or deliberately. In any case, it was the defense that had to dig it out."

The special police commission Soko Linx, which was founded in November 2019 by the Saxon State Criminal Police Office to combat "left-wing extremism," was, as we reported in an earlier article, "a sort of joint venture between Saxon police and the far-right scene." Details from the investigation files, including the unredacted names of suspected anti-fascists, were repeatedly leaked to the public via the far-right *Compact* magazine and *Focus Online*.

"The investigations and research," we wrote, "increasingly paint the picture of a police force that is not only close to right-wing extremist elements, but rather itself operates as part of a right-wing extremist network. It appears to be systematically leaking information to right-wing extremists and closely collaborating with them."

The long prison sentences for Lina E. and her co-defendants stand in stark contrast to the judiciary's leniency toward violent far-right extremists.

For example, André Eminger was sentenced to only two and a half years in the National Socialist Underground (NSU) trial in Munich, even though he had supported and accompanied Uwe Böhnhardt, Uwe Mundlos and Beate Zschäpe, who committed at least ten racist murders, for 14 years. He left the courtroom a free man.

Two neo-Nazis who in 2018 attacked and seriously injured two photojournalists in Fretterode in the state of Thuringia, got off with a suspended sentence and some community service hours. Judge Andrea Kortus of the Mühlhausen Regional Court justified the lenient sentence by saying that the defendants had mistaken the photojournalists for Antifa (anti-fascist) activists. "In the court's opinion, it is apparently legitimate to act against

left-wing activists and to attack them in the most brutal way,” we commented on the verdict. The converse, as the Dresden court’s verdict against Lina E. shows, is not the case.

From the start the trial against Lina E. and her co-defendants, the state pursued the goal of denouncing and criminalizing any opposition to the far right as “left-wing extremism.”

The fact that the far right is promoted and covered up by the state and, when exposed, handled with kid gloves, has been well known at latest since the exposure of the NSU and the Hannibal Network in the security forces. The extent of far-right violence in Germany is enormous. The Antonio Amadeu Foundation has counted 219 deaths at the hands of far-right perpetrators since 1990. The Federal Criminal Police Office reported 1170 violent right-wing crimes last year, 12 percent more than the previous year. Nearly 600 right-wing extremists with outstanding arrest warrants are reportedly untraceable.

The state of Saxony has long been a stronghold of the far right who enjoy close ties to the highest levels of state and government. There are entire regions terrorized by the far right. In Chemnitz, Saxony, the NSU was able to prepare its murderous attacks undisturbed for years, surrounded by a supportive scene teeming with state informants. The National Democratic Party (NPD) held seats in Saxony’s state parliament for ten years, and the Alternative for Germany (AfD) is now the second strongest party there. In 2018, Prime Minister Michael Kretschmer (Christian Democrats, CDU) defended a far-right march in Chemnitz—as did the president of the secret service (Verfassungsschutz) Hans-Georg Maassen; but while Maassen was forced out, Kretschmer remained in office.

The trial of Lina E. was intended to distract from this far-right conspiracy and criminalize opposition to it. The claim that he honored anti-fascist commitment, that it was merely a matter of prosecuting serious crimes, with which Judge Hans Schlüter-Staats opened his nearly nine-hour justification of the verdict, is simply false.

The state prosecutes not only organizations that use violence as “left-wing extremist,” but also those that fight with political means, such as the Sozialistische Gleichheitspartei (SGP, the Socialist Equality Party in Germany). In a brief from the Interior Ministry justifying the surveillance of the SGP by the Verfassungsschutz, the SGP is accused of being “left-wing extremist“ because it fights “for a democratic, egalitarian, socialist society,” agitates “against alleged ‘imperialism’ and ‘militarism’”

and thinks “in class categories.”

As soon as the verdict against Lina E. was pronounced, a chorus of voices called for tougher action against “left-wing extremists.”

“We are experiencing a growing radicalization and acceptance of the most brutal violence among left-wing extremists,” claimed the state of Thuringia’s Verfassungsschutz president, Stephan Kramer. The violence, according to him, is directed at “political opponents as well as representatives of the state.” Federal Interior Minister Nancy Faeser (Social Democrats, SPD) claimed that authorities were cracking down on the dangers of right-wing extremism, and that in the coming days they would also keep a close eye on the far-left scene.

Verfassungsschutz President Thomas Haldenwang warned that the moment was approaching “when one must also speak of left-wing terrorism.” Saxony’s Interior Minister Armin Schuster (CDU) announced investigations into the left-wing extremist scene: “We will continue to investigate, further uncover the network and are confident that we will be able to bring more criminals to justice.” The security policy spokesman for the AfD in the Saxon state parliament, Carsten Hütter, said the sentence against Lina E. was too lenient and that the judiciary in this case had failed.

Demonstrations against the draconian verdict were banned on the grounds that they could turn violent. In Leipzig, where a large demonstration was planned for Saturday, the Federal Constitutional Court, Germany’s highest court, upheld the ban. Three thousand riot police were mobilized to suppress any protest. When more than 1,000 people then demonstrated—legally—against the ban, the police surrounded them and held them until early Sunday morning.



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