

The “Ulm 5”: How Germany is criminalising opposition to the Gaza genocide

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A trial has been underway since April 27, 2026 that is setting a dangerous precedent in Germany’s post-war history. Five young people – from Ireland, Britain, Spain and Germany, aged between 20 and 30 – are standing trial before the *Staatschutzkammer* in Stuttgart-Stammheim, a specialized panel of judges within the German regional court system that handles cases relating to national security, and are being treated like terrorists because they destroyed property belonging to an Israeli arms corporation. Throughout the proceedings, their fundamental democratic rights are being stripped away and the harshest prison conditions imposed in order to intimidate anyone who protests against the genocide in Gaza.

In the early morning of September 8, 2025, eleven activists broke into an office building belonging to the Israeli company Elbit Systems in the Böfingen district of Ulm. They destroyed furniture and technical equipment, damaged devices in a technology laboratory and daubed the outside of the building with red paint. The action was filmed by the group itself and a video posted on the internet. The participants then allowed themselves to be arrested by the police without resistance. Five of them – the so-called “Ulm 5” – were detained and have been held in custody ever since.

Elbit Systems is one of Israel’s largest arms producers and, by its own account, supplies the Israeli military – and to no small extent. Elbit Systems is said to supply over 80 percent of the drones used in the Gaza genocide. Elbit Systems Deutschland is a wholly-owned subsidiary of the parent corporation. Against this background, German-Israeli cooperation with Elbit is being expanded ever further: in February 2026, it became known that ThyssenKrupp Marine Systems and Elbit Systems had jointly opened a factory for submarine parts in Israel.

As early as November 2025, the defence lawyers for the “Ulm 5” had called on the Stuttgart Public Prosecutor’s Office to investigate the possible involvement of Elbit Systems Deutschland in war crimes, crimes against humanity and genocide in Gaza. The defendants’ motivation for the actions against the arms company, they argued, had been to prevent a greater wrong. The Stuttgart Public Prosecutor’s Office has so far completely ignored this request.

The core charge

The decisive legal instrument in the proceedings is the charge of membership in a criminal organisation under Section 129 of the Criminal Code. This provision provides for a prison sentence of up to five years and permits far-reaching methods of investigation. Section 129 punishes the founding, membership in, support for or recruitment for an organisation whose purpose or activity is directed towards criminal offences that carry a maximum sentence of at least two years’ imprisonment. The law thus criminalises not only individual acts, but the very participation in a permanent, organised structure.

Should the “Ulm 5” be convicted based on this provision, it would set a dangerous precedent. Any strike by workers, any protest action against the government’s war drive could thereby be suppressed. A legal framework is being created to declare political activists to be terrorists.

The parallels to the British Labour government’s actions against Palestine Action are obvious. In June 2025, Keir Starmer’s government declared Palestine Action a terrorist organisation. Since then, over 3,400 people have been arrested, many of them for merely carrying signs reading “I oppose genocide. I support Palestine Action”. In June 2026, the British Court of Appeal upheld the ban on the organisation.

The defendants’ prison conditions and curtailment of fundamental rights

The trial against the “Ulm 5” is a complete farce. The fundamental democratic rights of the defendants are being violated so flagrantly, and the presiding judge is acting so partially that it is impossible to speak of a fair trial. Rather, the aim is to intimidate anyone who opposes the government’s pro-war policies.

All five defendants have been held in pre-trial detention since September 8, 2025 – by the time the trial began, that was already more than seven months; the duration is now approaching a year. None of the defendants has a previous conviction. None has used violence against people. In the view of the defence, the continued detention is disproportionate to the alleged offence.

According to reports from relatives and the defence, the prison conditions are particularly harsh. Four of the five defendants are locked up for between 20 and 23 hours a day, one person at times in solitary confinement. Visits are limited to a maximum of one to two hours per month and are always monitored by at least one investigating officer and, where applicable, an interpreter, who passes the content of every conversation to the public prosecutor’s office. According to relatives, letters sometimes take up to four months to arrive, if they are delivered at all. The defendants’ access to books and communal activities is made difficult.

In January 2026, the defence lodged a habeas corpus appeal with the Stuttgart Higher Regional Court. They objected not only to the disproportionate duration of detention, but also to a violation of the principle of expedition: the Regional Court had set the start of the trial for the end of April 2026, although it was legally obliged to begin proceedings by the beginning of March 2026 at the latest. The Higher Regional Court dismissed the habeas corpus appeal – and did so without hearing the defence. In its reasoning, the court stated that the expected sentence would probably exceed two years and would not be suspended. This is a politically-motivated prejudgement intended to torpedo a fair trial.

The first day of the trial on April 27, 2026 ended before it had properly begun. When the defence sought to make fundamental submissions on the seating arrangements – the defendants should not be separated from their defence counsel by a glass box but sit next to them in order to ensure confidential communication in accordance with the European Convention on Human Rights – they were not allowed to speak; their microphones were not switched on. The judge broke off the session before the hearing had even begun and cancelled the next two dates.

On the same day, the defence submitted a motion for bias against the presiding judge. After the second day of the trial on May 11, 2026, on which the fundamental problems were repeated, the defence extended the motion for bias to the entire chamber.

According to the defence, the issues in dispute are not formal trivialities, but core components of the right to a fair trial:

The **seating arrangements** prevent any confidential communication between defendants and defence counsel. The defendants inside the glass box can neither speak to their lawyers unobserved during the hearing nor pass notes to them.

In the view of the defence, the **keeping of a verbatim record** is inadequate. Under the German Code of Criminal Procedure, no verbatim records are made in proceedings before regional courts. The defence applied for the admission of a stenographer to document what was said for a possible appeal. The court refused, saying there was no legal entitlement to one and that defence counsel should take their own notes. The judge is also refusing access to the court's ongoing record – saying the defence must wait until the end of the proceedings.

According to the defence, the **simultaneous interpretation** for the non-German-speaking defendants is inadequate. Technical problems repeatedly interrupt communication; for some defence counsel, it was not available at any point on the first day of the trial.

On the second day of the trial, the judge finally allowed the defence to speak – only to dismiss its motions summarily without hearing their content in full. Only the defendants' personal details were established; the reading of the charges, opening statements by the defence or submissions by the defendants did not take place.

On the fourth day of the trial, May 22, 2026, one of the defendants, Daniel Tatlow-Devally, was finally able to begin reading his statement. He set out why he had felt compelled to take part in the action against Elbit Systems. In view of the mounting evidence of Israel's actions in Gaza, Germany had not only continued to supply and support Israel's armed forces but had even drastically increased the delivery of weapons and war equipment, he said. By damaging Elbit Systems' arms production in Ulm, he had sought to disrupt its material support for the crimes in Gaza as far as possible.

He then spoke the sentence: "It is a disgrace to portray resistance to occupation and mass murder as anti-Semitism." A brief, individual expression of agreement from the public gallery prompted the judge to halt Tatlow-Devally's testimony and declare the day's proceedings over.

On the sixth and seventh days of the trial, on the 15th and 19th of June 2026, the situation escalated further. The judge rejected a motion to allow the public to take notes with pens – on the grounds that all pens, including felt-tip, wax or coloured pencils, had a pointed tip capable of endangering people. The Fundamental Rights Committee, an independent, non-profit civil rights organization, which is observing the trial, commented: "What seems dangerous here are words." The systematic confiscation of pens and paper from the public gallery was recognisably aimed at preventing notes being taken in the courtroom – which violated the constitutionally enshrined principle of public access.

On June 19, there was an open scandal. When defence counsel Matthias Schuster retorted to the judge that the court hearing was not a barracks and she was not the sergeant, judge Lauchstädt replied: "Yes, I am!"

The defence saw this as confirmation of what had already run through all the judge's decisions and again submitted motions for bias. During this period, the judge also justified the continued detention of the defendants on the grounds, among others, that they had objected to violations of Article 6 of the European Convention on Human Rights – the right to a fair trial. In doing so, the defence argues, the judge is converting permissible defence conduct into grounds for detention.

Banishment of the public

The court's restrictive attitude is not limited to the courtroom. On the

first day of the trial, court ushers, under the supervision of the court press spokesman, confiscated press packs that the defence had prepared for journalists – and demanded that one journalist open his locker to hand over the pack.

Visitors report degrading entry checks. During the full-body search upon entering the building, several women said they had been touched on the breasts, under the bra and in the intimate area so roughly and without warning that they suffered pain. Several female visitors insisted after the break on being searched by a different court officer upon re-entry. The Fundamental Rights Committee lodged a formal complaint about this to the court.

The public gallery is guarded each day of the trial by eight court officers, some of whom wear leather gloves with reinforced knuckles. Several defence counsel stated that they had never experienced such a sight in a courtroom.

The fact that the trial against the "Ulm 5" is taking place in Stuttgart-Stammheim of all places – in the courtrooms of the Stuttgart Higher Regional Court attached to the high-security prison, where the trials of the Red Army Faction took place in the 1970s – is no coincidence. The defence has repeatedly asked the court in writing why the hearing is taking place there, although other courtrooms in Stuttgart would have been available. No answer has been forthcoming. The choice of venue clearly serves the purpose of associating the defendants with the RAF terrorists.

The case of the "Ulm 5" marks a qualitative escalation of the attempt to criminalise any opposition and resistance to the pro-war policies of the ruling class.

That the proceedings are being conducted so vehemently by the public prosecutor's office and the court is directly connected to the escalation of the government's militarist agenda. After the US, Germany remains Israel's second-largest arms supplier and has also supported the war against Iran, which violates international law. In the NATO war against Russia, Germany is playing the leading role and, with the stationing of an armoured brigade in Lithuania, is actively preparing to wage an open war against Russia once again, 80 years after the Second World War.

The trial of the "Ulm 5" is an attack on the democratic rights of the entire working class. The public prosecutor's office and the Stuttgart Regional Court are not acting as neutral judicial bodies, but as enforcers of a ruling class that is returning to its darkest traditions under the Nazis.

History shows that democratic rights cannot be defended by appeals to the reason of the rulers, but only through the organised struggle of the working class. The defence of the "Ulm 5" must be part of an international movement against imperialism, war and fascism that places the working class at its centre.



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