

German court issues draconian ruling against Hamburg G20 protester

By Katerina Selin
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The Hamburg District Court issued its first ruling in the ongoing legal proceedings related to the protests and violence at the G20 summit in Hamburg in early July on Monday.

The judge imposed a prison sentence of two years and seven months on a 21-year-old man from the Netherlands, because he allegedly threw two empty glass bottles at a police officer and resisted arrest during a protest. In the view of the court, this was sufficient to justify a conviction of a serious breach of the peace, inflicting grievous bodily harm, a severe assault on law enforcement officers, and resisting law enforcement officers.

This draconian ruling rests on scant evidence. The court relied on statements by two officers from a riot police unit from Berlin, which had deployed to Hamburg for the G20.

Peike S., the accused, remained silent during the trial. His lawyer appealed for his acquittal.

There are good reasons not to give any credibility to the police officers' accusations. In the case of the banning of the left-wing platform linksunten.indymedia.org by the Interior Ministry last Friday, the claim by the police to have found weapons in the apartments of the site's administrators was quickly exposed as a lie. The Interior Ministry, questioned on the issue by netzpolitik.org, was forced to acknowledge that no dangerous objects had been found.

The young man sentenced on Monday has no prior criminal convictions and has already been in custody for several weeks. On the evening of 6 July, he participated in the left autonomist "Welcome to Hell" protest in the Schanzen quarter that planned to march to the left-wing "Rote Flora" centre. A unit of riot police in helmets, and armed with batons, pepper spray and

water cannons blocked the route and declared the demonstration to be dispersed. When the demonstrators refused to end the demonstration and organised spontaneous protests, police officers intervened with water cannons and beat people with batons. Bottles were thrown in the direction of the police from the demonstration.

The accused allegedly threw two bottles that hit a 30-year-old police officer on the helmet and leg, but did not injure him. He said he felt pain, but he neither received treatment nor took sick leave.

Instead, with the help of another officer he intervened against Peike S, whom he had identified as the person who threw the beer bottles, and arrested him. Peike S. sought to defend himself against the police by rolling on the ground and tensing his muscles.

This "fetal position," which the judge deemed to be "resistance," was an act of self-defence, according to the lawyer for the accused. Her client had curled up in fear. She also rejected the other accusations in the charge. The identity of her client was not confirmed beyond doubt during the trial, she added. In addition, the charge of "severe breach of the peace" was not justified, because the defendant was part of a small group of less than 15 people. According to the Federal Supreme Court, only in a group of at least 15 to 20 people can a "breach of the peace" be considered.

The approximately 40 observers in the courtroom responded with shock to the sentence. District Court Judge Johann Krieken, who has won a reputation as a hardliner, went even further in his sentencing than the harsh demands made by the state prosecutor, who had appealed for a sentence of one year and nine months. According to the *Tageszeitung*, the state prosecutor spoke of significant criminal intent on the part of the defendant. It was necessary to take account of "the

civil war-like conditions” in Hamburg in the sentencing, she added, and deter other potential offenders. She thereby made clear prior to the judge’s ruling that the trial was not about finding out the truth, but setting an example.

The judge firmly supported the police. In his ruling, he drew on a reform to a law on the protection of public officials carrying out public services, which came into force on 30 May and makes it easier to punish acts of resistance. Police officers are “not fair game for a hedonistic society,” he declared. Since they have been protected by lawmakers, the courts must also back them, the judge continued. The presumption of innocence for the accused hardly appears to have played a role in this case. Apart from the statements of the police officers, no other evidence was presented in the court record.

The Hamburg ruling makes a mockery of any careful judicial evaluation. It is part of a political campaign against “left-wing extremism” which has been conducted by all major German political parties and media outlets over recent weeks. The violence surrounding the G20 summit was deliberately exaggerated so as to create a hysterical atmosphere for the federal election. The politicians and their media mouthpieces in their editorial offices are utterly indifferent to the fact that investigations have proven that most of the stories of alleged left-wing rioting in the Schanzen quarter were groundless. Several politicians, including Hamburg’s social democratic Mayor Olaf Scholz, have repeatedly called for tough sentences against the detained protesters.

Deliberate political decisions have led to the court ruling. This cannot be concealed by the judge’s threadbare claim that he was not concerned with fulfilling the demands of politicians. The absurdly long sentence and extremely scant evidence are typical characteristics of politically motivated rulings in dictatorial regimes such as Egypt, where such decisions occur on a daily basis. The goal is to suppress any opposition to the policies of militarism, the build-up of the domestic state apparatus, and social austerity.

The Hamburg police are currently investigating 2,000 alleged crimes by opponents of the G20. “In connection with the violence surrounding the G20 summit, the Hamburg state prosecutor has registered 109 investigations against persons whose names are

known,” stated Carsten Rinio, spokesman for the state prosecutor, according to the *Hamburger Abendblatt*.

A second show trial against a G20 protester took place yesterday. The defendant, Stanislav B., was accused of violating the arms and explosives law, as well as the law on assembly. According to investigators, irritant gas, diving goggles, seven fireworks, “clothing typical of the scene,” and two marbles were in his backpack when he was arrested. For this, he received a six-month suspended sentence. His defence lawyer announced that the ruling would be appealed.

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