

NEWSLETTER CLIMATE ANTI-REPRESSION #26

Hello,

here we are again with good and bad news about repression and the climate. In our main topic this time, we want to sort out for you what different courts there are in this country and what they are responsible for. Have fun and be disobedient!

CONTENT:

NEWS

RHINELAND

Lützerath: Resistance by abseiling?

Lützerath/Saarbrücken: Thea in custody

Neurath block: Appeal rejected

Neurath block: Solidarity punishable by law?

NORTH

Achim motorway abseiling trial

Flensburg: Imprisonment for not standing up

EAST

Environmental activists win injunction action brought by lignite company LEAG ++
Court: 'humane earth climate' is in principle a legal asset capable of being protected in an emergency

FEDERAL

EG targeted by the VS as a suspected case

Last generation: there is no end to deterrence

FOCUS TOPIC: Court here, court there, courts are there to eat

Criminal court, district court, regional court, higher regional court,

Administrative Court, Social Court, Labour Court, Tax Court

Federal Constitutional Court, European Court of Justice

NEWS

RHINELAND

Lützerath: Resistance by abseiling?

One and a half years after the eviction of Lützerath, the chapter is far from closed for the law enforcement authorities, who are persistently and creatively pursuing activists. The latest idea: resisting law enforcement officers by hanging from a rope during a climbing action of the 'rolling resistance' (wheelchair-bound and walking people together) in solidarity with Lützerath. **A trial has now been scheduled for 4 November 2024 at 11.30 a.m. at Jülich District Court.** Under the motto: 'Fight Capitalism! Fight Ableism! Lützi lives on in our hearts.' there is a call for solidarity support during the trial.

<https://antirrr.nirgendwo.info/2024/08/22/prozessankuendigung-vom-rollfenden-widerstand/>

Lützerath/Saarbrücken: Thea in custody

Thea also felt the long arm of the repressive authorities. Thea was arrested in the Hanni forest occupation near Saarbrücken and remanded in custody. The charge is assault on law enforcement officers during the eviction of Lützerath. Thea is currently being held in Willich I prison. **Write letters and show your solidarity** - until everyone is free. The address for this is: 'Thea', book number 938/24/4, Gartenstraße 1, 47877 Willich.

Block Neurath: Appeal dismissed

Much has been reported on our website about the Block Neurath trials (you can read all the trial reports there). Now the Düsseldorf Higher Regional Court has ruled on the appeal lodged by the first person and rejected it, arguing, among other things, that the CO2 saved by the action is irrelevant because a police operation also produces CO2. None of them did the maths - but the sentence of 120 daily rates is now legally binding.

Meanwhile, the appeal hearing against the third defendant is due to take place in Mönchengladbach: **Each at 9:15 a.m., Mönchengladbach Regional Court on Tue, 26 Nov, Fri, 6 Dec, Tue, 17 Dec. and Fri, 20 Dec 2024.**

You are also welcome to ask the people concerned for a lecture. **Be sure to check our website shortly beforehand for current dates**, as these are often cancelled or postponed by the court at short notice!

<https://antirrr.nirgendwo.info/block-neurath/>

Block Neurath: Solidarity punishable by law?

The Block Neurath trials were conducted in a cheeky and resistant manner and many people showed their solidarity. This support does not suit the repressive authorities and therefore several of the people showing solidarity are being charged by default. But we firmly reject the attempts to silence solidarity, to prevent us from taking an offensive against their repression and to restrict freedom of assembly. If the authorities decide to take action against us rather than against the climate catastrophe, we will continue to stand in solidarity against their repression! Against punishment, imprisonment and coal power!

An overview of the proceedings initiated in connection with the trials can be found here:

<https://antirrr.nirgendwo.info/2024/09/03/blockneurath-solidaritaet-soll-straftbar-sein/>

NORTH

Achim motorway abseiling trial

This time, several abseiling actions were on the agenda at Achim District Court. One that took place unannounced at the 2021 Transport Ministers' Conference in Bremen and one that took place announced in 2024 on the day before the judgement on the bridge next to the gantry where the action was taking place at the time. The judge had to search hard to find an argument as to why one was punishable and the other was not. But courts are creative and in the end the two defendants were sentenced to 70 and 90 daily fines respectively. The arbitrariness can also be seen in other ways: the cases concerning comparable actions in the city of Bremen have long since been closed. Report day 1: <https://autofrei.noblogs.org/post/2024/08/04/eine-strassenbahn-fuer-achim-oder-die-bitte-bitte-richterin/>

Report day 3 and 4: <https://autofrei.noblogs.org/post/2024/09/01/tag-3-und-4-im-amtsgericht-achim/>

Report day 5 (conviction): <https://autofrei.noblogs.org/post/2024/10/02/achim-angemeldete->

abseilaktion-am-vortrag-und-trotzdem-verurteilt/

Flensburg: Imprisonment for not getting up

In the far north, the Flensburg Regional Court was also called to sit in judgement on a motorway rappelling case. Because the defence lawyer of one of the defendants wanted access to the files, the defendant demanded this and refused to submit to absurd stand-up rituals, the judge immediately placed her in custody for seven days (the maximum period). The trial was then suspended after two more days of hearings and is now starting all over again with a new judge.

To read more:

Report day 1: <https://autofrei.noblogs.org/post/2024/07/21/prozess-und-klimakrise-egal-hauptsache-wir-kriegen-sie-in-den-knast/>

Prison post: <https://autofrei.noblogs.org/post/2024/07/24/knastpost-ii-wer-oder-was-verdient-respekt/> and <https://autofrei.noblogs.org/post/2024/07/24/knastpost-von-ibi/>

Report day 2: <https://autofrei.noblogs.org/post/2024/08/07/flensburg-good-judge-bad-judge-bericht-vom-zweiten-prozesstag-der-berufungsverhandlung/>

Report day 3: <https://autofrei.noblogs.org/post/2024/08/16/landgericht-flensburg-duerfen-personen-diversen-geschlechts-doch-rein/>

EAST

Environmental activists win against action for injunction brought by lignite company LEAG ++
Court: 'humane earth climate' is in principle a legal asset capable of justifying a state of emergency ++

People fighting for the climate repeatedly invoke the so-called 'state of emergency' (§34 StGB) as legal justification. Like self-defence or emergency aid, this means that something is not considered a criminal offence if it prevents a greater harm - e.g. something that destroys everyone's health or livelihood. However, judges decide very differently whether climate change or climate destruction qualifies as such an emergency. It is often claimed that this one coal-fired power plant or this one airport are not decisive for global emissions etc. bla bla. In this case, however, the Cottbus Regional Court agreed with the argumentation of the activists who occupied two coal excavators at the beginning of 2019: A 'humane earth climate' is a legal good that is fundamentally capable of being an emergency.

<https://www.ende-gelaende.org/press-release/pressemitteilung-vom-27-09-2024/>

FEDERAL

EG targeted by German secret service as a suspected case

The Federal Office for the Protection of the Constitution is monitoring Ende Gelände as a suspected case of left-wing extremism. This clearly seems to be more important than dealing with the dangerous right-wing extremists of AfD and co. Reactions to the observation vary: while some emphasise how democratic Ende Gelände is, others believe it is important to stand by the demand for 'system change'. Some question the Office for the Protection of the Constitution itself, as a secret service that constantly violates fundamental rights is probably the least suitable organisation to protect the constitution.

<https://www.ende-gelaende.org/news/solidaritaetserklaerung-mit-ende-gelaende-%e2%86%92-jetzt-unterschreiben/>

Last generation: there is no end to deterrence

The state is hitting the Last Generation particularly hard at the moment. There have been house searches and DNA samples taken because of an airport blockade against fossil fuels (where everyone gave their personal details).

In Berlin, 16 months without probation were handed down for a road blockade. Although we are not yet at the stage of multi-year prison sentences against the activists of 'Just Stop Oil' as in the UK, this is a development that should worry us all - which is why we are also calling for solidarity at this point. So perhaps at the next opportunity you could organise a solidarity campaign for those who are not already particularly close to you - regardless of whether anything comes back in the opposite direction? It is important, because in the end, repression such as DNA databases and proceedings for alleged criminal organisations affect us all (and unfortunately not RWE and LEAG).

Court here, court there, courts are for eating

Today we want to take a look at which courts are actually responsible for what. In the Federal Republic of Germany, everything is relatively complicated.

There are different jurisdictions, each of which is responsible for certain matters. So as not to be completely overwhelmed, we want to explain this to you a little today.

Criminal courts

In general, there are three areas in Germany: Constitutional jurisdiction, ordinary jurisdiction and special jurisdiction. Ordinary jurisdiction includes the district court, regional court and higher regional court, where criminal cases/criminal offences and legal disputes between citizens are heard. Special jurisdiction includes social, labour, financial and administrative courts. These mostly deal with disputes between people and authorities.

The courts that belong to the criminal jurisdiction are responsible for what we generally associate with courts: People are accused of some criminal offence and the courts sentence them to fines or prison sentences. Civil disputes are also heard in these courts, i.e. when someone demands money from someone because of some contract, claims damages or has some kind of injunctive relief (see also here: <https://antirrr.nirgendwo.info/publikationen/unterlassungserklaerungen/> and here <https://antirrr.nirgendwo.info/publikationen/geldforderungen/>).

Local court / district court

The criminal court we deal with most often is the district court. This is usually found in all slightly larger towns and districts.

The local court deals with the usual criminal offences, e.g. trespassing to the detriment of RWE, or resisting arrest in disputes with the cops and much more.

Regional court

People end up in the regional court because the expected penalties are very high and they start there directly (if they are expected to serve more than 4 years in prison). Or they end up there if they or the public prosecutor's office were not satisfied with a judgement by the district court and they appeal. The case is then reopened before the regional court.

Higher regional court

The case then goes further up to the Higher Regional Court, which decides on appeals to the Regional Court, and to the Federal Supreme Court. In the case of an appeal, the judgement is only reviewed for formal errors, it is not retried and evidence is not taken. If the appeal is successful, the previously deciding court must hear the case again.

Administrative courts

There are also numerous other courts. More frequently, we also have to deal with administrative courts, which, for example, hear complaints against demonstration requirements, complaints to determine the illegality of police measures or against police fee notices. However, they also decide on the legality of building projects. Many of the proceedings are purely written. There are administrative courts to which the complaints are submitted and higher administrative courts (one in each federal state) which hear appeals against decisions of the administrative courts. Then there is the Federal Administrative Court.

Social courts

Social courts decide - again in several instances - on social law issues, often involving, for example, decisions on citizens' benefits. Around half of the decisions made by job centres are unlawful, which says a lot about how the state treats the poor.

Labour courts

The labour courts are responsible for job-related disputes, for example in the case of complaints against dismissals or for equal pay for equal work.

Tax courts

We almost never have to deal with the financial courts. This deals with lawsuits against tax authorities for taxes and duties. However, it should also be mentioned here for the sake of completeness.

Federal Constitutional Court

If fundamental rights are directly affected and the normal legal process has been unsuccessful, people can turn to the Federal Constitutional Court with a constitutional complaint. The majority of complaints are not accepted for decision, but there are also rare positive judgements, for example on restricting the expansion of surveillance or the freedom to demonstrate.

European Court of Justice

In the event of a violation of human rights, individuals can then only appeal to the European Court of Human Rights. Again, this is only possible if everything has been tried at national level and the proceedings there often take many years.