Judicial Scandal in Germany
The Fuellmich Case

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The political trial against civil rights activist Dr Reiner Füllmich reveals the motives and behaviour of a compromised constitutional state. Open violation of the law and legal trickery are intended to secure the conviction of Dr Füllmich. The misconduct of the public prosecutor's office and judges is documented. So is the involvement of malicious third parties. They are part of the conspiracy against the investigator, who has already been illegally deprived of his freedom for over six months.

by Wolfgang Jeschke

The history of the proceedings against civil rights activist Dr Reiner Füllmich is impressive evidence of the erosion of the rule of law in the Federal Republic of Germany. From the preparations for Füllmich's arrest to the final statement by the Göttingen district court presided over by judge Carsten Schindler at the end of April, a common thread runs through the trial. At every turn, the proceedings ooze the intention to bring about a conviction of the persecuted man at all costs. Right from the start.

While the conspiracy against the civil rights activist initially appeared to be the work of the public prosecutor's office, the Federal Criminal Police Office and Füllmich's former co-partners, it is now clear that the court also wants – or needs – to ensure the persecuted man's unconditional conviction.

During the trial, some observers still hoped that the court was actually interested in establishing the facts and would soon realise that it had been deliberately misled by the prosecution and the complainants. However, the court's statement of 26 April 2024 destroyed the last hope of a constitutional trial, even for the greatest optimists. Once again, Schindler and his accomplices fabricated new accusations against the civil rights activist. The contrived trial is now turning into a legal farce.

The Füllmich thriller: In the beginning was the lie.

Even the beginning of Füllmich's persecution could be the subject of a cheap Hollywood-thriller. The story went like this: the young public prosecutor Simon Philipp John sets up a persecution scenario with former co-partners of the victim. Their holey story: Reiner Füllmich had illegally appropriated money and gold from the Corona Committee and wanted to make off with it. The fact that neither money nor gold were in his possession was irrelevant. For the story to be relevant at all, the complainants (the renegade lawyers Justus Hoffmann, Antonia Fischer and Marcel Templin) and the public prosecutor had to deceive the prosecuting authorities (BKA) and the courts – or co-operate with them.

The grotesque play was initialised by Viviane Fischer, Füllmich's assessor on the Corona Committee, who in turn is primarily responsible for the prosecution of Füllmich. She had insidiously thrown the head of the Corona Committee out of the committee on 2 September 2022. While she led Füllmich to believe that no committee meeting was taking place, she used the actual meeting to publicly execute Füllmich. Since that day, Fischer has been waging a private war against her mentor and doing everything she can to put him behind bars. As a partner of the people who filed the charges, she plays the most inglorious role in this conspiracy.

Conditions for prosecution

In order for Dr Füllmich to be prosecuted at all, the public prosecutor's office had to make up a number of lies. In the end, they had to apply for an arrest warrant. This is where prosecutor John and the renegade lawyers showed their creativity. In order to demonstrate the illegality of Füllmich's behaviour, they simply claimed, by omitting important information, that Füllmich should never have had access to the committee's funds. In doing so, they maliciously concealed the fact that all managing directors were exempted from the restrictions of § 181 BGB by a shareholders' resolution. Füllmich therefore acted lawfully at all times within the scope of the powers conferred on him when securing the committee's funds.

More than 6 months in prison: the internationally renowned civil rights activist Dr Reiner Füllmich. Photo: Swen Pfortner/dpa

The illegal deal: public prosecutor and co-prosecutors working together

Public prosecutor Simon Philipp John and the renegade lawyers constructed the Füllmich case in close coordination with each other. The very nature of the cooperation between the prosecution and those involved in a civil dispute is remarkable. Antonia Fischer forwarded all negotiation correspondence between the shareholders of the Corona Committee to public prosecutor John and maintained a personal relationship with him in this exchange.

Not only that: they discussed the possibilities of prosecuting and imprisoning Füllmich. This happened while the negotiations between Füllmich and the other committee members about the loan repayment were still ongoing. During the trial, Antonia Fischer admitted that she had never been interested in a negotiated outcome. She only ever wanted to get Füllmich into prison. The other main accomplice in the Füllmich conspiracy, Justus P. Hoffman, made a similar statement. The renegade lawyers, in coordination with the public prosecutor's office, prevented an agreement in order to maintain the claim that Füllmich had committed misconduct.

Füllmich had already taken the first steps to return secured funds in accordance with the agreement. However, it would have been a disaster for the desired imprisonment and elimination of the civil rights activist if an agreement had been implemented. The lawyer and doctoral supervisor of Justus P. Hoffmann, Professor Martin Schwab, was to receive a power of attorney to make the secured gold – with the joint signature of Viviane Fischer – available to the committee. However, Schwab refused. One can only speculate about the reasons.

Acts planned jointly by the public prosecutor's office and the committee traitors

Not all details of these agreements between public prosecutor John and his accomplices are documented. The construction of the prosecution of Dr Füllmich was largely secret and therefore also formally illegal. John failed to keep a record of the agreements and telephone calls or to make recordings. This is further unlawful behaviour on the part of the public prosecutor. However, the available evidence is sufficient to prove that a case was constructed here and that the illegal abduction of Dr Füllmich from Mexico was jointly prepared.

The Federal Criminal Police Office abducts Dr Reiner Füllmich

In the course of the abduction of the civil rights activist, the complicity of the Federal Criminal Police Office in the illegal action was also revealed. The public prosecutor's office and the renegade lawyers set a trap for Reiner Füllmich. He was to be lured to the German consulate in Tijuana under the pretence that a signature was still missing from a document. The subsequent arrest by the Mexican authorities was coordinated by the BKA field office. This is evident from the communication of the service.

Under the pretext of a visa offence, Füllmich was arrested by his Mexican „colleagues“, put on a plane to Germany and arrested there as planned. As agreed, Reiner Füllmich was denied the opportunity to appeal against his deportation. The fact that the „visa offence“ was also part of the plan and an illegal favour is shown by the fact that Dr Füllmich's wife was not expelled from the country in the same situation as her husband. It was only ever about illegally deporting Füllmich to the FRG in order to bring him to trial there.

The Federal Criminal Police Office and a ridiculous „denial“

The involvement of the BKA in the abduction of the civil rights activist has been proven. It is clear from the communication between the BKA and the public prosecutor's office. However, the BKA also appears elsewhere in this bizarre piece: Dr Füllmich's co-counsel, the Cologne criminal defence lawyer Christof Miseré, was leaked information (see here: The Füllmich Conspiracy) which could describe the activities of the services (BKA, BND and/or Verfassungsschutz). It describes Füllmich's work and defines the aim of preventing him from continuing to be publicly effective or even holding public office.

In order to verify the „truthfulness“ of the dossier, the public prosecutor's office questioned the Federal Criminal Police Office. Of course, no one seriously expects an authority to confirm that it is involved in the illegal persecution of political dissidents and is being instrumentalised against the investigation. On the contrary, one would expect a clear denial. In the sense of: This paper and its contents do not originate from our authority, either in whole or in part. That would be a denial. However, the office's answer is different: „It is therefore very unlikely that this is a document written by the BKA.“

Photo: Jonas Guttler/dpa/Alamy Live News

Dr Christof Miseré: *„As a public prosecutor, I ask an authority whether they keep a body in the cellar and receive the answer that this is rather unlikely because bodies are usually buried in the attic of history.“*

Regardless of the degree of involvement of the Federal Criminal Police Office in the persecution of the civil rights activist, its involvement in the abduction of Füllmich is proven by the available communication. In doing so, the Federal Criminal Police Office has foregone a constitutional way of detaining Dr Füllmich within the framework of internationally valid

extradition procedures. This would have involved applying for an international arrest warrant and co-operating with Interpol. The procedure is well known to the BKA. However, the fabricated allegations would never have been sufficient for an international prosecution. So the only remaining option was the illegal route of abduction coordinated with the Mexican authorities.

The metamorphosis of the accusations – conviction at any price

Once it was clear that Reiner Füllmich was exempt from the restrictions of Section 181 of the German Civil Code (BGB), it could have been established that the original accusation was unfounded and that there were no unlawful dispositions. The proceedings could have been discontinued and the shareholders could have continued their negotiations, which had been interrupted by the kidnapping, to determine when and how the loan amounts protected from state access should be transferred back to one of the Corona Committee companies. Due to this deliberate deception by the public prosecutor's office and its accomplices, the court wrongly assumed from September 2022 to November 2023 that Füllmich could already be accused of criminal behaviour solely because of the lack of exemption from Section 181 BGB.

In court, Füllmich's lawyer Katja Wörmer submitted the following as part of a motion: *„At the time, the first shareholder resolution confirming the exemption from Section 181 BGB and the sole management of all shareholders was not submitted – most likely intentionally, in order to deliberately incriminate the defendant more severely and ensure that a criminal investigation was opened."*

Der Richter auf dem Holzweg

For the court chaired by Carsten Schindler, the tricks and deceptions that constructed the case play no role. Although the public prosecutor and her accomplices had deceived the court in several ways, although the senior public prosecutor Dr Kutzner was not even able to read the email correspondence between Dr Füllmich and Viviane Fischer correctly and gave the impression in her statement that she had either not read the file or was mentally deranged, the judge seemingly went on his way without any irritation at these fatal errors. He enjoys playing the keyboard of arbitrariness and ignores all motions and evidence, as if he had been instructed to ensure a conviction of the civil rights activist at all costs.

Photo: Swen Pfortner/dpa

Carsten Schindler *is leading the proceedings against civil rights activist Dr Reiner Füllmich. While the lawyer initially gave the impression that he was interested in a constitutional trial, his latest „sleight of hand" (quote from lawyer Dr C. Miseré) shocked trial observers, international human rights activists and lawyers alike. Schindler's name will be remembered in the future with one of the most curious cases in German legal history: When the FRG illegally abducted a civil rights activist from Mexico in order to put him on a contrived trial.*

When it could be proven on the basis of the shareholders' resolutions that Füllmich had effective sole power of representation, the court looked for new ways to incriminate the persecuted man. Füllmich's lawyer Katja Wörmer commented: *„When this argument was no longer possible, the district court simply reinterpreted the justification for the criminal offence as an abuse of power of representation."*

This means nothing other than: First, the court claimed that the persecuted person was not authorised to make his orders. When it then turned out that he was, the court changed its view and said that he was authorised but had abused his power of representation.

The second trick also fails

However, the questioning of the witnesses by lawyer Katja Wörmer and the persecuted man himself quickly showed that there had been no misuse of the power of representation. Even his former partners on the Corona Committee confirmed Dr Füllmich's statements. Füllmich

and Viviane Fischer wanted to protect the committee's funds from possible access by the state or make this access more difficult. The donations had to disappear from the current accounts. The state had already frozen the funds of critics too often.

Viviane Fischer and Reiner Füllmich took two steps: firstly, they bought gold, which could retain its value even in the event of an economic crisis. Secondly, Fischer and Füllmich shifted the committee's funds into their private sphere by granting loans. The loans were recognised in the accounting records and contractually agreed. The parties involved agreed that the loan amounts should be repaid to the committee.

Lawyer Katja Wörmer und Dr. Reiner Füllmich. Photo: Swen Pfortner/dpa

Things went wrong? No problem.

So the second prosecution trick, supported by Judge Carsten Schindler, was also dashed by reality. It was proven that the funds were transferred by way of loan agreements and were to be repaid. The persons involved were authorised to do so on the basis of the existing agreements and had documented the procedure. They adopted the regulations and their legal content as their own. The loan agreements were therefore validly agreed. Everyone agreed on this – which is why the dispute between the shareholders centred on the question of when and how the loans were to be repaid. In Dr Füllmich's case, this was to take place after the sale of his private property. He had never stated otherwise.

The fact that Dr Füllmich's loan amounts were not repaid was due to an equally illegal arrangement. In collaboration with the notary who notarised the sale of the Füllmich family's property, one of the complainants, Marcel Templin, in coordination with the other accomplices (Justus P. Hoffmann and Antonia Fischer), appropriated further parts of the proceeds from the sale of the property without sufficient legal grounds. Piquantly, the public prosecutor's office blocked the Füllmichs' accounts – but did not seize the illegally collected share of the sales proceeds from Templin. No investigations were initiated against Marcel Templin either. He is now suspected of being an employee of the authorities and of ensuring the persecution of the civil rights activist Füllmich on their behalf and making it impossible for him to repay the agreed loan.

The arsenal of obstruction of justice is vast.

After the public prosecutor's office had failed to substantiate the allegations against Dr Füllmich despite all the illegal machinations and objective misrepresentations, the court now came to the prosecutor's aid. This was a surprise for the defence and the prosecution: the agreed loan agreements, which had been intended, described and assessed as such by all parties involved, were suddenly – after several weeks of trial – simply reinterpreted by the court.

The court is now constructing a „fiduciary relationship" in order to ensure that Dr Füllmich is convicted. In the court's instructions read out by presiding judge Carsten Schindler, the court now prefers to assume that a „fiduciary safekeeping of the funds was agreed in such a way that these funds were to be available at all times in bank accounts on behalf of the pre-company". The court relied solely on the statements made by Viviane Fischer, who also placed herself at the service of the prosecution.

Schindler achieves two things with this creative volte face. Firstly, Viviane Fischer is released from the previously assumed complicity in the joint offence with Reiner Füllmich. This means that a participant in the persecution of the civil rights activist has been removed from the focus of the prosecution. At the same time, the court will now attempt to construct a claim based on the breach of a duty to look after assets. Remember: up to now, the question was whether the agreed loans could have been repaid by Füllmich and whether he had intended to do so. Since both questions can be answered in the affirmative based on the

investigation of the facts and the questioning of witnesses, no damage can be assumed either for the companies of the committee or the co-shareholders.

In the „opinion“ of the court, the arbitrary assumption of a fiduciary relationship should make it possible to construct a criminal offence. Schindler commented: „The defendant was already in breach of his duty to look after his assets by transferring sums of money from the previous company to his private account in the way he did.“

Under this ludicrous construction, it would therefore no longer matter that Füllmich wanted to repay the loan and had done so – the damage would now already lie in the constructed breach of fiduciary duty that Schindler and his comrades and/or clients had devised here. Despite the dramatic change it brings to the trial, the court's statement causes bitter amusement among lawyers and human rights activists. The presiding judge Carsten Schindler explained: *„The defendant's argument that he had „parked“ the money in his property and that this was in the interests of the previous company because the bank account could be more easily seized by arbitrary state measures than property assets is misguided in several respects. Firstly, legal protection against unlawful measures is always possible in court and, within the scope of the German Basic Law, it is not the defendant or Mrs Viviane Fischer, but the competent courts alone that decide what is unlawful and what is not.“*

In recent years, the hijacked legal system of the FRG has stripped itself to the bone. Right up to the politically appointed head of the Federal Constitutional Court with its chairman, CDU grandee and Merkel friend Stefan Harbarth, who enabled all illegal measures and unconstitutional restrictions of fundamental rights as well as the abolition of parliamentarianism in the FRG, judgements have been handed down that are in every respect not of a constitutional nature. To this day, the unjust system punishes people who stand up for human rights, freedom and health.
And now a judge in a political trial based on illegal machinations of the state apparatus (kidnapping from abroad, falsification or misappropriation of evidence, illegal undocumented agreements between the public prosecutor's office and accomplices, etc.) points out that *„only the competent courts should decide what is unlawful“*. The committee's reserves were also to be kept safe from judges like Schindler. And the scope of the Basic Law could also be discussed.

Lawyer Dr Christof Miseré has clear words to say about the court's instructions in his application to the court:

„This new, almost absurd construction also documents the fact that in the present case, at our discretion, we are dealing with a trial that is not oriented towards the objectively prescribed standards of law, but towards the final objective of convicting the defendant Dr Füllmich as a political opponent at all costs, and thus with a politicised trial influenced by political guidelines and constructs by various actors. Although I was already aware when I took over the mandate that this was more or less a political trial, including the incomparable empowerment of the accused in Mexico, I could not have imagined the legally untenable constructs that are now being used to try to realise this final objective."

Dr Miseré: *„The game is not over yet!"*

Defence lawyer Dr Miseré remains optimistic. For him, the court's behaviour is an arrogant violation of the law. *„It is not for the court to make legally binding – retrospective – findings on a contract subject to private autonomy – in this case a validly concluded and intended loan agreement – and, what is more, to replace it with a different construction determined by the court. This could at best be possible if something is declared as a loan, but no repayment of the loan amount was intended. In this case, there is no loan at all, as the gift of the loan amount and the repayment of this loan amount are constitutive elements of a loan.*

A fortiori, the court may not interpret the defendant Dr Füllmich's consistently expressed view that this was a loan that he had to repay and that he would also use it for private purposes to mean that he had in fact wanted to agree a fiduciary agreement. That is precisely not what he wanted!

To then subsequently disregard the defendant's personal idea and replace his intention to be bound by a contract with a construct that was not agreed – namely a fiduciary agreement – and then to convict him based on the reinterpretation of his clearly expressed idea, is an arbitrary violation of the law par excellence and blatantly contradicts a fair trial."

Lawyer Katja Wörmer: „The defendant should be sentenced to prison in any case."

Füllmich's lawyer Katja Wörmer also finds clear words in her application for a stay of proceedings presented in court: *„It is more than clear that the chamber intends to sentence the accused for better or worse at any cost. The legal references almost give the impression*

that the accused has already been convicted in the eyes of the Chamber and that the intended judgement is already as good as written in the desk drawer."
„This is because the chamber expressly assumes that the hearing of evidence can be concluded and that no further witnesses need to be heard. However, on 24 and 25 April 2014, the undersigned was urgently requested by the presiding judge to report possible conflicts of dates for the months of May and June, as further hearing dates were to be scheduled. Just one day later, on 26.04.24, the chamber suddenly sends the legal information, which was only read out on 03.05.24, via beA outside the main hearing, which is actually an anticipated assessment of the evidence, which is also expected to be included in the grounds for the judgement in the same form. The judgement is therefore apparently already written.„
„*The defendant will be sentenced to prison in any* case."
