

Peace activist sentenced for criticizing German war policy in Ukraine

Justus Leicht
31 January 2023

The Berlin-Tiergarten District Court sentenced peace activist Heinrich Bückler in January for speaking out in public against Germany's war policy in Ukraine. The verdict is a massive attack on the basic democratic rights of freedom of speech and assembly. It is reminiscent of the persecution of anti-militarists in the Weimar Republic who—like Carl von Ossietzky—opposed the rearmament of the Reichswehr (armed forces).

Bückler is a member of the Association of the Persecuted of the Nazi Regime—League of Anti-Fascists (VVN-BdA) and the Left Party. He runs the COOP Anti-War Café in Berlin, where anti-militarist events are held regularly. On June 22, 2022, he gave a speech at the Soviet Memorial in Berlin's Treptow Park on the 81st anniversary of Nazi Germany's invasion of the Soviet Union, in which he condemned the cooperation of German politicians with former Nazi collaborators in Ukraine and expressed understanding for the views of the Russian president.

As a result, the judge at the local court, Tobias Pollmann, sentenced Bückler to a fine of €2,000, or 40 days imprisonment. His criminal offence under Section 140 of the Criminal Code had consisted of “publicly approving a crime of aggression (Section 13 of the International Criminal Code) in a manner likely to disturb the public peace at a meeting.”

The verdict was issued as a summary penalty order, which does not provide for an oral hearing of the defendant and examination of witnesses. The defendant can appeal within two weeks of the issuance of the penalty order, which Bückler reportedly did. If he had not done so, the penalty order is considered a final judgment, and appeals against it are then no longer possible.

The penalty order states that Bückler, in his speech, approved “Russia's invasion of Ukraine in violation of international law, the illegality of which you knew.” To prove this, a longer paragraph from the speech is quoted, the entire wording of which is documented here (in German).

In the quoted paragraph, Bückler opposes cooperation with far-right forces in Ukraine:

It is incomprehensible to me that German politicians are again supporting the same Russophobic ideologies on the basis of which the German [Nazi] Reich found willing helpers in 1941, with whom they closely cooperated and jointly carried out murder. All decent Germans should reject any cooperation with these forces in Ukraine against

the background of German history, the history of millions of murdered Jews and millions and millions of murdered Soviet citizens in World War II. We must also vehemently reject the war rhetoric emanating from these forces in Ukraine. Never again must we as Germans be involved in any form of war against Russia. We must unite and oppose this madness together.

In this context, he called for understanding for the Russian point of view:

We must openly and honestly try to understand the Russian reasons for the special military operation in Ukraine and why the vast majority of people in Russia support their government and their president in it. Personally, I very much want to and can understand the view in Russia and that of Russian President Vladimir Putin. I have no distrust of Russia, because the renunciation of revenge against Germans and Germany determined Soviet and then also Russian policy since 1945.

How and why Bückler thus “agrees” to the invasion of Russia, the Berlin District Court did not elaborate with a single syllable. The request to understand and comprehend the reasons for something is quite different from consent. Otherwise, the work of psychiatric evaluators would be as impossible as that of historians, sociologists, mediators or even police investigators. Any effort to understand the actions of others would be deemed complicity.

Because Section 140 of the Criminal Code severely impinges upon the fundamental right to freedom of expression under Article 5 of the Constitution, the Supreme Court has set high standards in its case law. Punishment for a statement is already unlawful if “the interpretation leading to the conviction has been taken as a basis without other, equally possible interpretations having been excluded with convincing reasons.” In doing so, the courts must also consider “the context and other circumstances surrounding the statement, based on the wording.”

The context in which Bückler expressed himself was admitted by the district court itself: at a commemorative event for the war of extermination against the Soviet Union, he opposed a renewed war

by Germany against Russia and the support of a regime that hardly concealed its place in the tradition of Hitler's Ukrainian allies at the time.

That this is no exaggeration was underscored by the Rada, Ukraine's parliament, just days before Judge Pohlmann signed his sentencing order.

On the anniversary of the birthday of fascist mass murderer Stepan Bandera, the Rada published a picture of Valery Salushnyi, the commander-in-chief of the Ukrainian armed forces, under a portrait of Bandera. Bandera was quoted as saying, "The complete and final victory of Ukrainian nationalism will be won only when the Russian empire no longer exists." The Rada added, "We are currently fighting against the Russian empire. And Stepan Bandera's guidelines are well known to the commander-in-chief of the armed forces."

Since the war began, the German government says it has supported Ukraine with arms deliveries worth €2 billion. Another €2.2 billion is already firmly planned for 2023. In the media and in official discourse, any criticism of this war policy is being suppressed. Even the call for a negotiated settlement is considered treason.

Against this backdrop, in a passage not quoted by the court, Bückner said, "All the friendly relations [between Germany and Russia] that have been built up with great effort are now in danger of being severed, indeed potentially destroyed." And he called for "standing up for a prosperous, reasonable and peaceful neighbourliness with Russia in Europe."

The district court convicted Bückner of advocating peace with Russia and opposing support for the right-wing, anti-Russian regime in Ukraine. From this, to infer approval of a Russian war of aggression is something that presumably only German judges and prosecutors could come up with.

In addition to the "approval" of a crime, a conviction under Section 140 of the Criminal Code also requires that it be "likely to disturb the public peace." That this was the case, the district court reasoned in convoluted and barely comprehensible language thus:

Your speech has the potential—as you at any rate accept—to shake confidence in the rule of law and to inflame the psychological climate in the population, in view of the considerable consequences that the war will also have for Germany, the threats on the part of the Russian leadership specifically against Germany as a NATO member in the event of support for Ukraine, and not least in view of the presence of hundreds of thousands of people from Ukraine who have found refuge in Germany.

Translated into understandable language, this means that anyone who criticizes German war policy shakes the confidence in the state and agitates the population. That is why they must be punished.

To accuse Bückner of "disturbing the public peace" is obviously absurd. In his speech, he promoted peaceful coexistence with Russia and warned against rehabilitating fascist ideas.

The WSWS and the Sozialistische Gleichheitspartei (Socialist Equality Party, SGP) categorically reject the war that Germany and NATO are waging against Russia in Ukraine. We therefore have no sympathy for the Putin regime, which represents the interests of the Russian oligarchs and is based on the most reactionary traditions of Russian nationalism.

But that is not what the verdict against Bückner is about. Rather, it is meant to intimidate and silence any opposition and protest against German militarism. It is enough to oppose the demonization of a nation that has just been marked as an enemy and to advocate "understanding" and "peaceful neighbourliness" in order to make oneself liable to prosecution. The sentence must therefore be rejected.

The criminal order against Bückner joins ever newer attacks on democratic rights. In Berlin, on May 8 last year, the day of liberation from fascism, the display of the Soviet flag—under which, not least Auschwitz was liberated—was banned by the police at Soviet monuments.

This was shortly followed by a ban on all Palestinian demonstrations on Nakba Day. A few months later, the Bundestag (federal parliament) tightened up the incitement of the people paragraph; now, anyone who questions alleged war crimes committed by a country that has just been demonized faces punishment.

The Berlin Administrative Court and the Higher Administrative Court have given their blessing to the fact that the SGP is being spied on by the Office for the Protection of the Constitution, as Germany's domestic intelligence agency is termed, and slandered as "left-wing extremist" because it argues "for a democratic, egalitarian, socialist society."

The SGP has declared war on this attack on democratic rights and has filed a constitutional complaint against the scandalous rulings. This is "of the utmost political significance," the SGP has stressed, "because the government and the courts want to make an example of the SGP. In the face of the proxy war that the German government is waging against Russia, the most extensive rearmament since Hitler, and ferocious attacks on workers through galloping inflation, wage theft and mass layoffs, the aim is to silence anyone who speaks out against this aggressive class policy or even calls it by its name."

This is now confirmed by the action against Bückner.



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