

# **Statements by Dr Reiner Füllmich on the status of the Criminal proceedings before the Göttingen Regional Court**

I am now publishing four written statements that deal with the four central issues of these proceedings against me. I have already summarised each of these statements orally with a few sentences each. I am publishing them so that anyone who wants to know exactly what is going on can find out the details and also stand up to those who are working with false information and, if necessary, simply hand over the written statement.

## **Statement 1 - The abduction disguised as a mock deportation**

Here I explain, using the deportation order from the Mexican migration authorities, which is even in the file but was not translated into German in violation of the procedure, that the **only** basis for deportation mentioned there, Section 144 of the Mexican Migration Act, clearly does not apply. Section 144 is the **only** basis for deportations from Mexico, but none of the six possibilities for deportation listed there apply: my wife and I did not enter the country with forged documents, nor did we enter the country illegally after having been previously deported, nor have we been convicted of any crime that jeopardises national security, nor are we under investigation for any such crime. This means that my wife and I were in the country completely legally. We have not committed any criminal offences there either. The rest of the file proves what the **dossier** confirms: namely that the German services, in particular the BKA and the Lower Saxony LKA, in collaboration with the (controlled) public prosecutor's office in Göttingen, which was bound by instructions, asked the migration authorities in Mexico to fake a deportation so that I could be abducted in Mexico and then arrested at Frankfurt airport. The services and the public prosecutor's office could and should have requested my extradition in order to be able to arrest me legally in Mexico, as they themselves confirmed by email. But as I am only accused of one offence, because it was obviously not possible to "put together" more, it is questionable whether that would have been enough.

But above all, my lawyers and I would have been heard by the Mexican authorities as part of extradition proceedings. And this would have revealed in Mexico what has now come out in the proceedings in Germany, but which the court is trying to conceal, namely that the accusations levelled by the public prosecutor's office were all false and fabricated. In particular, it would have come out that the entire operation was controlled by the Federal Office for the Protection of the Constitution, as is also clear from the file.

Extradition would then never have taken place, and the German services and authorities would have been internationally disgraced, as is now happening through these international publications.

## **Statement 2 - A timely and complete hearing is the central prerequisite for a fair trial**

Here I explain that the public prosecutor's office, on the instructions of the services, deliberately did not grant me any legal hearing for more than a year and three months, but rather decidedly

refused to do so, while at the same time it was in constant written and verbal (telephone) contact with the complainants.

I was only given a legal hearing one month after the indictment was written and three months after my abduction from Mexico and imprisonment in Germany - far too late! However, as the investigation files were and are incomplete, I have not actually had the opportunity to properly comment on the accusations to this day. All the notes from at least 80 telephone conversations and various documents relevant to the decision are being withheld.

The public prosecutor's office is therefore withholding important, decisive information, just as it did in the criminal proceedings against the US actor Alec Baldwin, which led to the immediate and final dismissal of the charges against Alec Baldwin in the state of New Mexico in the USA. In view of the dossier and the overall behaviour of the public prosecutor's office as well as the extremely close cooperation with the complainants, it can be assumed that the instructions of the services and the theft of the money from the sale of my property, which was intended for repayment to the Corona Committee, were discussed and that the whole thing therefore did not find its way into the files.

### **Statement 3 - Infringement of the law through the arbitrary exchange of facts and the denial of the right to be heard**

In my opinion, the conduct of the presiding judge and public prosecutor John (as well as the other public prosecutors involved, Recha and Dr Kutzner) constitutes the criminal offence of obstruction of justice pursuant to Section 339 of the German Criminal Code (StGB). Because after the accused facts proved to be lies by the complainants, the proceedings against me should have been dropped and I should have been acquitted and released immediately. Instead, the presiding judge replaced the accused facts in May 2024 with new facts that were obviously just as falsely invented, this time by the presiding judge himself. The - so far at least - declared refusal to hear the witnesses named by us to refute the fabricated facts completes the obstruction of justice. In addition, the presiding judge, as he has just stated in an order dated 12 July 2024, but as we also explained in detail at the hearing, is now also aware that the public prosecutor's office had me kidnapped in Mexico and faked a deportation. He also knew that I had been denied my right to be heard and that crucial evidence had been and was being withheld by the public prosecutor's office. If he continues now and the other members of the court go along with this, they are all guilty (especially the public prosecutor, of course) of obstruction of justice, a crime punishable by at least one year's imprisonment, in order to put me behind bars for a faked offence.

### **Statement 4 - Freedom of opinion, expression and information in the "fight for justice"**

With this statement, I am making it clear that the chairman's assertion that we are not allowed to defend ourselves with harsh words, including accusations of obstruction of justice against the court and the public prosecutor's office, is wrong in accordance with established supreme court case law.

For it is precisely when the state and the courts themselves have created a heated atmosphere (here: kidnapping, denial of a legal hearing, withholding evidence, faking a criminal offence, exchanging facts in order to reach a verdict against me without a hearing on the new facts), it

must be possible for the defendant and his lawyers to defend themselves in clear, unambiguous terms. For this case law, I refer to our own mass proceedings against fraudulent banks and corrupt judges that have been running in the German courts for 26 years and have been accompanied by the mainstream media. This is because these legal disputes form the basis for the very extensive defence options in the constitutionally protected **"fight for justice"**, which supreme court case law grants to the parties to a trial, but in particular to a defendant in a criminal trial.

In the course of those legal disputes, it came to light years later and was reported years later not only by the media but also by the most important German legal journal NJW that the highest judges of the Federal Court of Justice had secretly made agreements with bank representatives to the detriment of our clients in return for payment.

## **Introduction**

On 17 May 2024, the presiding judge Schindler of the 5th Grand Criminal Chamber of the Göttingen Regional Court, consisting of five judges (three professional judges and two lay judges or lay assessors), issued a so-called procedural order. This was his first open but unconstitutional attempt to undermine our defence work. This was done with a mixture of barely concealed attempts at intimidation, deliberately false allegations and condescending statements to the defence and the public, whom he considers unable to understand what is happening in these proceedings.

He also claimed, without providing any evidence, that the defence was influencing the public in such a way that he was receiving telephone calls and emails in an attempt to influence the court's decision-making.

It seems impossible for calls from outsiders to be put through to the Chairman at all. If there are any such emails or, as the chairman claims, even anonymous threats, it must be determined who sent them. Similar behaviour has since been reported by the complainants.

Obviously, the court and the public prosecutor's office, which is bound by instructions, are now doing everything they can to prevent the true facts of the case from becoming known. This culminated on 31 July 2024 when the presiding judge, in violation of the constitutionally guaranteed principle of orality and the principle of publicity, ordered that the proceedings should essentially be conducted in writing, i.e. without the public present seeing and hearing anything more than the handing over of paper. And: without the defendant himself being able to recognise which motions are made by his lawyers. Inevitably, he is only informed about this afterwards. In particular, he did not allow Viviane Fischer's lawyer Großenbach to speak, nor did he allow the lawyers for the defence to read out the motions and their grounds that lawyer Großenbach had submitted for Viviane Fischer. In my opinion, he and the court thus crossed the line into legal malpractice.

In my opinion, the goal of the Office for the Protection of the Constitution seemed to be the destruction of the Corona Committee and the theft of the Corona Committee's donations. Viviane Fischer may also have realised this in the meantime.

Since we never agreed otherwise, I expect that Viviane Fischer would testify as a witness that, contrary to the court's "invention", there was no agreement between her and the defendant to

the effect that the loan agreements should be mere sham transactions without binding effect in order to conceal trust agreements allegedly concluded to hold the donations in another account. Because the company for which the complainants Antonia Fischer and Justus Hoffmann claim to be acting never existed and never held any assets, the complainants Antonia Fischer and Justus Hoffmann could not have suffered any financial loss at any time, and therefore the defendant should be acquitted, as Viviane Fischer and her lawyer Großenbach rightly argued.

At the end of this introduction, I will make a summarising oral statement on the four central points that give rise to the suspicion of legal malpractice, both individually and as a whole.

In order not to bore anyone, but nevertheless to give anyone interested the opportunity to find out about the details and thus, if necessary, to be able to counter the false claims being circulated by the services, we are publishing the details in writing in German and English. For the English translation, we are relying on the help of our supporters because I have to concentrate on my defence in court.

Before I give the verbal summaries of the statements, please allow me to make one more comment:

Of course, some of the parties to the trial have studied law, as the presiding judge remarked patronisingly and scornfully. This is also readily recognisable in the case of some of those involved in the proceedings. But I'm no longer sure to whom this actually applies. In any case, I claim to have studied law not only in Germany, but also in the USA, and that I have also taught law at various universities in Germany and abroad. I have a genuine - i.e. not plagiarised - doctorate in Germany and an LL.M., i.e. a Master of Laws, in the USA. I also passed the three-day bar exam in California in 1993.

I have over 30 years of experience as a litigator in both Germany and the United States, working almost exclusively in the area of consumer protection and the protection of small and medium sized businesses against invariably fraudulent multinational corporations. As part of this work, I was involved in two class actions. Most recently, this involved a class action pending in Southern California against Deutsche Bank in 2017 with a value in dispute of 85 billion dollars. I worked pro bono, that is, without asking for or receiving any money, by informing the court through an amicus curiae brief that Deutsche Bank regularly not only **negligently** violates applicable law, but does so **intentionally**, for example, by committing systematic litigation fraud in German courts in order to win lawsuits by lying. Two or three weeks after my brief and after I had reported on it at Deutsche Bank's Annual General Meeting in front of the entire Management Board, the entire Supervisory Board and thousands of shareholders, Deutsche Bank suddenly settled on terms that have not yet been made public. I wonder why?

In addition, I can also look back on a number of legal publications in German and foreign publications, but I also have non-legal life experience as a soldier and as a banker in the corporate client business of Deutsche Bank in Tokyo. All of this is evident from my Curriculum Vitae (**attached**), but also, as far as my work as a lawyer is concerned, from numerous TV and press reports. The Curriculum Vitae is published here.

In short: Against this background, there should at least be a factual presumption that I have more than just "**stupid**" legal knowledge. However, it remains questionable to what extent such a presumption also applies to other parties involved in the proceedings.

To conclude these introductory words, I would like to take the liberty of referring to Chairman Schindler's reference to the offence of obstruction of justice - which I will discuss in more detail later. This offence can also be committed by public prosecutors and lay assessors. And a punishable attempt to obstruct justice can also exist if - and I quote para. 21 of the Beck Online Commentary on the Criminal Code by Heintschel-Heinegg, Kudlich, 60th edition, as of 01.02.2024 - a member of a collegiate court (namely Mr Schindler) unsuccessfully attempts to persuade other members of the collegiate court to commit an act of obstruction of justice. However, if they join in, then the attempt becomes an accomplished violation of the law for the instigating judge and all participating judges are guilty of accomplished violation of the law.

One more thing, or "one more thing", as Columbo and Steve Jobs used to say: the even obvious violation of the law here is of international significance in several respects. Because this staged action is about preventing my international work. And: I was kidnapped from Mexico, i.e. from abroad, as I will explain in a moment. In view of the fact that the abduction was irrefutably documented in the files, an international court, namely the Common Law Courts in England, intervened and not only ordered my immediate release due to the lack of jurisdiction of the German court resulting from the abduction, but also awarded damages in my favour. This is proof that justice, when it is perverted by system courts, is also and perhaps only possible outside the system of justice, if that is what the people want. It is not surprising that Chairman Schindler refers to the court as a "self-appointed court". However, this court is a genuine common law court, which applies the genuine, original common law, i.e. natural law, exactly the same law that was applied to the perpetrators in the Nuremberg trials after the collapse of the Third Reich. Was that also a self-appointed court? Justice will prevail simply on the basis of the true facts brought to light, and without legal gobbledygook obscuring the view of right and wrong and good and evil, and also without procedural rules being abused to simply obscure the true facts.

Everyone will have to pay a price for what they have done. How high the price will be depends solely on what the perpetrators have done and what they continue to do until the day of reckoning comes. Because justice is what the people recognise - not what the corrupt system constructs.

## **I. The abduction ordered by the German authorities under the supervision of the Office for the Protection of the Constitution and the concealment of the abduction by means of a mock deportation**

The chairman's assertion that there was no abduction at all, but simply a deportation, is an assertion against his better judgement, i.e. a deliberate lie. An inadvertent false assertion can be ruled out here because this connection between the abduction and the deportation is clear from the file itself.

If the Mexican police had wanted to arrest me in Mexico, then I would have had to commit a criminal offence in Mexico or violate Mexican migration law, which is indisputably not the case. Because the BKA, working together with the German Office for the Protection of the Constitution, acting through the officer Götz Knobloch in Mexico, and the BKA officer Monica Vazquez, wrote by e-mail on 24 August 2023, according to sheet 131 of the main file, volume 3:

"The arrest of the wanted person in Mexico is only possible on the basis of a national (Mexican) arrest warrant."

But there was no such thing, and there could not have been, because I had not committed any offences in Mexico or against a Mexican citizen, and because I had not violated Mexican migration law.

However, it would theoretically have been possible to apply for my extradition via the Mexican judiciary on the basis of the German arrest warrant. This is exactly what occurred to the BKA, because Knobloch from the BKA writes in the next sentence of the same e-mail:

"If necessary, it makes sense to prepare the necessary extradition documents in Germany."

But that would have backfired on the German secret services and the German judiciary immediately, and in Mexico, i.e. at international level. Because, firstly, it would have come out even then, in the context of my statement on the extradition request, that the arrest warrant was without any basis, because the supporting pillar was the - false - assertion that I, as managing director of the company, was not authorised to manage the company alone. In reality, I was - just like all the other shareholders and contrary to the allegations of the complainants - authorised to act as sole managing director. It would therefore have turned out during the extradition proceedings in Mexico that the complainants had lied in their criminal complaint.

Secondly, it would have emerged that public prosecutor John, who had applied for the unlawful arrest warrant, had not carried out any investigations, but had blindly and willingly co-operated with the complainants and had even expressly refused to investigate my three lawyers. It would also have turned out that the complainants, as the court has now also recognised, had possibly appropriated my purchase price for my property in Göttingen, which among other things served to repay the loan, by way of fraud, or at least without legal grounds.

Above all, it would have come out even then that Public Prosecutor John knew about everything from the beginning and was continuously informed by the complainants, but did nothing about it, even remaining absolutely inactive in response to our criminal complaint of December 2023 until today by way of obstruction of justice in office.

None of this was allowed to come to light, because otherwise the behaviour of public prosecutor John and the Federal Criminal Police Office and the Lower Saxony State Criminal Police Office, which were almost certainly working for the Office for the Protection of the Constitution, would have been exposed during the extradition proceedings in Mexico.

Where do we get the certainty that the Office for the Protection of the Constitution is controlling everything in these proceedings against me? Just from the dossier? No, the file itself proves it. It contains the letter dated 15 February 2022 from the FIU (Financial Intelligence Unit), which is part of the Customs Directorate General, with which the Office for the Protection of the Constitution tried to take action against me, but then failed due to the upright and law-abiding senior public prosecutor Reinicke, who had the files put away in June 2022 due to a lack of criminal activity. This letter was drawn up by a Mr Schmelter from the FIU, which is part of the Directorate General of Customs, and sent to the Lower Saxony State Criminal Police Office. It is headed "**Relevance to state security**". And Mr Schmelter explicitly identifies himself as an employee of the "State Security" department associated with the Office for the Protection of the Constitution. On page 17 he writes to the LKA Lower Saxony:

"For your information, I am informing you that the analysis report (this letter) (...) has been forwarded to the **Federal Office for the Protection of the Constitution**."

The next sentence proves that this was kept secret, even from other German authorities:

"Other domestic public bodies (...) have not yet been informed."

However, as noted, this first attempt by the Office for the Protection of the Constitution to initiate criminal proceedings against me, which was still open, was unsuccessful thanks to Senior Public Prosecutor Reinicke. So two and a half months later, the three Berlin complainants known to another V-man (whose name I will not mention at this point) came into action, filed their version of a criminal complaint on 2 September 2022, and public prosecutor John was transferred from Hanover to Göttingen so that senior public prosecutor Reinicke would not be able to stop their (the three Berlin lawyers') "nonsense".

The Göttingen judiciary, with John, the public prosecutor freshly transferred to Göttingen from Hanover, would have been so sunk as a compliant, Stasi-like puppet with such a direct hit, since all this would have been revealed in the extradition proceedings as part of my hearing, that this could no longer have been ignored even by the mainstream media. Remember that Göttingen is described in an article in the New York Times as the "heart of darkness" when it comes to freedom of expression. Because in Göttingen there was and is a special police unit that operates undercover on the internet as if they were right-wing radicals or Reichsbürger to get others to speak out in a similar way so that you finally have a fake enemy to go after. I reported on this in the ICIC video on the psychology and psychopathy of "p(l)andemia".

This is precisely why the actors carried out an abduction and tried to disguise it by faking a deportation; of course, there was no real deportation. This is also clearly documented in the file. Because on page 141 of the main file, the State Criminal Police Office of Lower Saxony, which is controlled by the Office for the Protection of the Constitution, writes through Lars Roggatz on 1 September 2023 - with the BKA in cc - to public prosecutor John:

"The current plan is to lure Reiner Füllmich to the consulate under the pretext that he still has to correct/provide a signature on his passport and then have him arrested by the migration authorities."

The words "pretext" and "lure" prove beyond any doubt that we - my wife and I - were to be deliberately deceived because of alleged passport/visa/migration problems, which in reality did not exist, in order to be provisionally arrested and to be able to deport me to Germany bypassing extradition proceedings (everything would have come out at my hearing). All this was planned by Götz Knobloch, as Lars Roggatz, LKA Lower Saxony, informed public prosecutor John in an email dated 4 October 2023 (page 152 of the file):

"Mr Knobloch has planned everything and I am confident that everything will work out."

Knobloch announced on the same day that the arrest of the accused at Tijuana airport would take place *"in consultation with the migration authorities"*.

A few days earlier, Knobloch had persuaded the Mexican migration authorities to fake a deportation with the help of Mexican BKA official Monica Vazquez. On 21 September 2023 (page 149) Knobloch wrote:

"So the migration authorities are not a problem."

In other words, my wife and I were lured to Tijuana by the honorary consul there, who in turn had been put under pressure by the German embassy in Mexico City, without any legal basis. In fact, there were no visa or migration problems. That is exactly why only I, and not my wife, was flown to Germany by two migration officials and this bogus deportation was not paid for by Mexico, but by the clients, namely Germany, although we **both** allegedly had passport problems and should therefore **both** have been deported. However, my wife was able to fly back to our dogs the next day.

I was even able to phone the consul Carlos Enkerlin in Tijuana because the whole thing seemed completely strange to the head migration officer. And he explained to me and then apparently also to the officials (in Spanish) that there was foul play going on here, but that he couldn't escape it. The head of the authority then told me with downcast eyes that he didn't know what was going on, but unfortunately there was nothing he could do. But he wished me all the best. In the meantime, the consul Carlos Enkerlin has also apologised to my wife.

In short: the migration authority, or rather its leadership, which was put under pressure by German officials, bowed to German pressure. Without German pressure, nothing would have happened. This is once again made abundantly clear by the sentence from BKA official Knobloch to public prosecutor John on page 159 of the main file, volume 3:

"So the migration authorities are not a problem."

Why should the Mexican migration authority, which is carrying out a deportation in its own Mexican interests because of a migration case, pose a problem for a German authority? Because there was no migration case, but one had to be constructed at the request of the German authorities in order to somehow prevent the whole truth from coming to light in the course of extradition proceedings. The Mexican migration authorities did not pose a problem in **this respect**: the German authorities wanted to disguise the kidnapping as a migration case.

The final proof that there were only faked passport problems and only a faked deportation can be found in the deportation order, which is certainly not by chance only in Spanish on sheet 33 of volume 2 of the file, to which the presiding judge Schindler only referred briefly in an anxious/cursory manner, apparently hoping that no one would take a closer look or even translate it.

This is because the Mexican national migration authority writes that my deportation is being carried out in accordance with Section 144 of the Migration Act, without explaining which of the provisions in that section the deportation is based on. § Section 144 is the **only** legal basis for deportations from Mexico by the migration authorities. This section 144 stipulates that a foreigner must be expelled from the national territory if it can be proven that

1. he/she enters the country without the required documents via a place that is not authorised for the international transit of persons in accordance with para. 1;

This paragraph is not given, because my wife and I travelled normally with valid German passports and were issued entry visas.

According to paragraph 2, expulsion is possible if a person re-enters the country without authorisation after being expelled. This option is obviously not available to us either.

Paragraph 3 orders deportation if someone pretends to be Mexican who is not. This variant does not apply to our case either.

Paragraph 4 orders deportation if a person jeopardises national or public security due to a previous conviction in Mexico or abroad. My wife and I are not even close to this.

Paragraph 5 orders expulsion if a foreigner makes false statements or submits forged documents or submits genuine documents that he or she obtained fraudulently. This is also not the case in our case.

Para. 6 orders expulsion if someone does not comply with an order issued by the migration authority to leave the national territory. This is also not the case here.

There is therefore no = zero, zero, nada doubt that there was no basis for a deportation and that the deportation order served the sole purpose of formally deceiving the authorities that there was no basis for a deportation. In other words, at the request of the German authorities, it was only intended to create the false appearance that a deportation had taken place, although in reality an "abduction" had taken place without any legal basis. Everyone hoped that nobody would ever check the basis for a deportation, namely Section 144 of the Migration Act, as has now happened, so that everything was blown open.

Apart from that, the real deportation order would have been dealt with by putting me on the plane alone at the international airport in Mexico City. But here I was accompanied by two Mexican officials. And one of them, who was halfway fluent in English, explained to me that this would all be arranged and paid for by the German authorities - including the two flights of the officers who were supposed to guard me, which is completely impossible in the case of a real deportation arranged by the Mexican authorities.

Supplementary: The archive of Stasi documents contains a lexicon with the following explanations of the term "abduction":

"Kidnapping, i.e. abduction in the sense of criminal law, was an elementary component of the strategy and tactics of the GDR secret police until the 1970s." (<https://www.bundesarchiv.de/im-archiv-researchieren/stasi-unterlagen-einsehen/hinweise-zum-mfs/mfs-lexikon/detail/entfuhrung/>)

And in the dictionary of political-operative work compiled by the Law School of the Ministry of State Security in 1969, the offence of kidnapping is interpreted as a manifestation of terror crimes as follows:

"It is the removal of people against their will from their original place of residence to other places, states and territories using specific means and methods (threat of violence, deception, narcotisation, intoxicants and others)." (<https://www.bundesarchiv.de/im-archiv-researchieren/stasi-unterlagen-einsehen/hinweise-zum-mfs/mfs-lexikon/detail/entfuhrung/>)

Even without including this, albeit revealing, Stasi information in the assessment of the assertion by Presiding Judge Schindler, there can be no doubt that his assertion that a simple

deportation was carried out by the Mexican authorities in this case is an outright lie, given the contents of the file and the deportation order referred to by Schindler, in order to deceive the public about what is otherwise obvious: The public prosecutor John, who had been specially transferred from Hanover to Göttingen, in co-operation with the services controlling him, arranged for my abduction from Mexico.

One of the most respected German professors of criminal law, Prof. Dr h. c. mult. Bernd Schünemann, has commented on this problem in an extensive essay entitled "Substantive examination of suspicion and abduction in violation of international law as nation-state explosive devices in international extradition traffic" in the journal Goldthammers Archiv für Strafrecht.

1 On page 237 he states:

"It goes without saying that detention initiated by abduction is a deprivation of liberty that violates the fundamental right under Article 2 (2) sentence 2 of the Basic Law."

2. he then states on the same page:

"Even under general state liability law, an unlawful encroachment on fundamental rights triggers a claim for the elimination of consequences."

3 On page 229 he explains:

"It is also generally recognised that the abduction of an accused organised by the law enforcement authorities of a state (here: Göttingen Public Prosecutor's Office in cooperation with the Office for the Protection of the Constitution, the Lower Saxony State Criminal Police Office and the Federal Criminal Police Office) organised the abduction of an accused person on the territory of another state constitutes an offence contrary to international law, which obliges the abducting state (here: Germany) to return the abductee at the request of the injured state (here: Mexico)."

But what if the injured state - whether out of political consideration (here: its own involvement in the abduction at the request of the German authorities) - does not assert its claim for restitution? Then, according to Schünemann, "an effective means of preventing this blot on the tableau of the international legal assistance relationship is the granting of own restitution claims (= claims for damages) to the abductee himself, which must be aimed at his release, if not the final termination of the criminal proceedings due to a procedural impediment".

4. after all, this is about "criminal practices of the prosecuting authorities" (page 237 of the essay), which, if allowed to continue, would amount to an undermining of the presumption of innocence and "the establishment of the law of the fist".

But not only the circumvention of the legal provisions for a formal deportation or extradition proceedings indicate the involvement of the Office for the Protection of the Constitution in my case: as I have now discovered by studying the files again, the terms "**Corona**" or "**Corona reference**" can be found in various places on the special volumes for account evaluation next to the file number!!!

I ask myself, how can it be that a reference to **Corona** plays a role in an alleged purely economic criminal case and is mentioned again and again in the files ???

Free Reiner Fuellmich

## **II Timely and complete hearing is the central prerequisite for a fair trial**

The principle that a person accused of having committed a criminal offence must be granted a fair hearing in good time is a central guarantee of a fair trial in all civilised constitutional states. In Germany, this principle is guaranteed in Article 103 of the Basic Law and is based on the Roman legal principle of "audiatur et altera pars", i.e. hear the other side too.

In fact, the right to be heard in criminal proceedings is something like a special form of the right to freedom of opinion, expression and information guaranteed to all citizens in German law in Article 5 of the Basic Law as a **right of defence against the state**. This freedom of opinion, expression and information is the central fundamental right par excellence. Without freedom of opinion, expression and information, there is no democracy, only lies and propaganda as tools of manipulation and, as a result, totalitarianism instead of democracy. That is why all democracies have guaranteed this central right of defence of the citizen against encroachments by the state. So that the citizen is specially protected against encroachments by the state - because it has been hijacked by private corporations and/or organisations, for example. This right is also guaranteed in the First Amendment of the US Constitution.

Since this right of defence becomes all the more important when a citizen is accused of having committed a criminal offence by the omnipotence of the state, it is of particular importance in criminal proceedings. This is emphasised by the fact that Article 103 of the Basic Law makes it clear that the accused in criminal proceedings must (even more so) be guaranteed the right to freedom of opinion, expression and information as a right to a fair hearing, because this is the only way to ensure a fair trial in the face of an attack on the citizen by state authority.

This is because the only reason why citizens have transferred the right to clarify their own affairs to the state courts is their trust in a fair trial, i.e. that all parties to a legal dispute, in particular the accused of a criminal offence who is being prosecuted by the state, can say and also learn everything relevant to the proceedings: however, an accused can of course only say everything if he is also made aware of all the allegations made. This means, in particular, if he is made aware of the complete investigation file and not - as in this case - a file from which at least 80 decision-relevant notes on telephone conversations between the public prosecutor's office and the complainants and others are missing, as well as decision-relevant documents, for example the liquidity documents of Viviane Fischer's husband, on the basis of which public prosecutor John closed all investigations against Viviane Fischer.

A current and important example of how crucial such withholding of evidence by the public prosecutor's office is is the recent decision in favour of the American actor Alec Baldwin in New Mexico, USA. There, the prosecution had withheld a few cartridges and not disclosed them to the defence. As a result of this withholding of evidence, the proceedings were terminated in favour of Alec Baldwin, once and for all.

**In short:** The freedom of opinion, expression and information, which is protected in Article 5 of the Basic Law, applies all the more to the accused of a criminal offence and is therefore clearly guaranteed once again in Article 103 of the Basic Law.

In my particular criminal proceedings, there can no longer be any doubt in my mind that the accusations levelled against me by the four Berlin lawyers were "constructed" at the instigation of the Office for the Protection of the Constitution. In the end, it is of secondary importance whether the hatred openly expressed by the witnesses Antonia Fischer and Justus Hoffmann

in court is merely a consequence of their own envy, or whether - as the dossier suggests - the Office for the Protection of the Constitution used these people and their possible emotional instability with the help of undercover agents, to stir up such feelings of envy and to channel them in such a way that they themselves became undercover agents of the Office for the Protection of the Constitution and would then bungle up a criminal complaint against me and "snatch" the money intended for the committee's investigative work. Since my unlawful "expulsion" from my own format of the Corona Committee, the two complainants have obviously not continued the investigative work to this day and there are no plans to do so, as was evident from their testimony in court, among other things.

In view of the collapse of the accusations, which were obviously false from the outset (at least for all those not involved in this trial fraud), it must have been about something other than the official accusations, namely about silencing me - and thus all others who think and work like me - that is, all of us. Because what we have learnt through the questioning of countless genuine, non-bought experts on the "p(l)andemia" (and what is now confirmed by the RKI files) has shown us all that we have been massively manipulated and lied to by bought media and bought politicians with the help of bought pseudo-scientists. And since we had lost all trust once and for all once we realised that these lies and manipulations had destructive and deadly consequences, we began to wonder what else we had been lied to about and who was responsible. Those in charge knew that their house of cards of lies and manipulation would collapse when the full truth came out. Well, now the house of cards is collapsing worldwide.

You may think what you like about him otherwise, but Donald Trump was right when he recently told Americans about the absolutely ridiculous criminal proceedings he was subjected to in New York City: "They're not chasing me, they're chasing you. I'm just standing in the way."

Now, however, panic has set in on the other side of the fence, especially among the psychopathic string-pullers, because their small window of opportunity has already closed. This is why they are acting more and more desperately at all levels and making bigger and bigger mistakes. Individuals on our side of the fence have long since ceased to matter. The younger generation of all people, who were largely asleep during the plandemic, have now also woken up to the almost insane, and in any case monstrous, slaughter in Gaza and have set something in motion all over the world - regardless of religion, race, gender or nationality - that can no longer be stopped because it has now also reached the mainstream media:

In an interview on the - albeit not propaganda-free (for example, climate change panic and occasionally virus and plandemic panic are also fuelled there) - TV channel TRT (on the Internet: trt.world), four students from University College London, including one Jew, explained in the "Bigger Than Five" section that they know that Gaza is based on the misanthropic ideas of eugenics and that this theory of eugenics was and is also responsible for colonialism and almost all other forms of oppression, for example apartheid in South Africa and slavery in the USA. (There are interesting interviews on YouTube, for example in the series "Bigger than Five" on manipulation by the mainstream media with the journalist Jeremy Scahill, or in the series "Nexus" on the Olympic scandal concerning the satanic opening ceremony and the participation of an athlete convicted of raping a child).

In any case, from this knowledge about Gaza, it is only a very small step to the realisation that it was precisely this eugenics that was behind the planemia that we have largely illuminated, with its goal of population reduction and complete digital control of those remaining. Then the puzzle will be complete and the whole picture will be visible and then there will be justice.

Because, as an 80-year-old Jewish psychiatrist from Canada called Gabor Mate, who survived the Holocaust as a small child, also said on the TRT channel:

"There can be no peace without justice."

I was very impressed by the interview with him, because he also explained that we now live in a globally poisoned culture with the visible consequence that, for example, 70 per cent of all Americans believe they have to take at least one form of pharmaceutical drug every day. And he explained that the perpetrators behind it all, if they are severely traumatised - and not, as I believe, simply born psychopaths without any human quality - cannot be cured. Because they don't want to be healed. But, he also says, it is enough for a few good people to stand up and tell the truth. And that is exactly what is happening worldwide. We on our side of the fence are doing it worldwide and the students and now the entire world public are doing it worldwide, so that the puzzle picture is as good as complete.

Back to freedom of opinion, expression and information and the right to be heard in court proceedings, particularly in criminal proceedings. In criminal proceedings, the principle of the right to be heard requires that the accused must be granted the right to be heard **before charges are brought**. Only if, in accordance with the Roman legal principle of *audiatur et altera pars*, the accused is given sufficient opportunity to comment on the accusation before charges are brought can it be guaranteed that charges will not be brought or an arrest warrant issued in the first place.

In my case, the three Berlin lawyers filed a criminal complaint against me on 2 September 2022 and attached a document to this criminal complaint as Annex A 3, which strongly suggested that the complainants themselves were fraudsters. In my opinion, they had already embezzled client funds amounting to many hundreds of thousands of euros on 2 September 2022 and intended to access further third-party funds (namely money from the sale of my Göttingen property, which was intended for loan repayment, among other things) in the millions. If the public prosecutor's office had granted me the right to be heard in accordance with Article 103 of the Basic Law at that time, i.e. before the arrest warrant was issued on 15 March 2023 (there was more than enough time for this, the criminal complaint was filed on 2 September 2022), not only would this connection have come to light. My lawyers and I would also have informed the public prosecutor's office that their claim that I should not have taken out the loan because, as managing director, I was not authorised to manage the company alone was false and was based on another deception by the complainants. With this and the now proven fact that the Corona Committee's donation account was **actually** at risk and that the conclusion of the **loan agreements** was intended to **temporarily secure part of the donations**, as well as the now also undisputed fact that I was always willing and able to repay the Corona Committee's money, everything would have become clear:

1. my actions to secure part of the donations with the help of a loan were covered by the discretion of the managing director of a company, i.e. by the Business Judgment Rule, so that there is no basis for a criminal offence (exactly as already established by Senior Public Prosecutor Reinicke two and a half months before the criminal complaint of 02.09.2022). As managing directors, we were solely authorised to manage the company and were exempt from Section 181 BGB. A shareholders' resolution to issue loans to each other was therefore not necessary; moreover, one shareholder always acted on behalf of the pre-gUG, which incidentally has not been officially registered to this day and also never achieved the desired non-profit status, therefore never came into existence as a company to this day and must therefore be considered a definitively failed company.

2. the complainants are using the criminal proceedings they have instituted against me to circumvent the competent civil courts in order to obtain funds to which, in my opinion, they have no claim whatsoever in accordance with the statutes of the company and the purpose that the donors pursued with their donations - namely to promote educational work with regard to the legality and meaningfulness of the state corona measures. And: Contrary to their repeatedly false claims, the company for which they claim to be acting does not exist; contrary to their repeatedly false claims, the pre-gUG was never registered, precisely because the complainants themselves, in cooperation with another alleged constitutional protection V-man, prevented the registration in November or December 2021.

However, this would have meant that there would no longer have been any basis for a criminal investigation, let alone an indictment or even an arrest warrant against me. Instead, the complainants would have had to be investigated and charged, and arrest warrants would have had to be issued against them.

However, those who used the "puppet" public prosecutor John, who was bound by instructions, wanted to prevent this. That's why he was specially transferred from Hanover to Göttingen: so that he could intercept the criminal complaint that had obviously been drawn up by emotionally unstable figures and, without even attempting to investigate, let alone grant me a legal hearing, issue a warrant for my arrest and draw up an untenable indictment against me. Every effort was to be made to prevent Chief Public Prosecutor Reinicke, who had had the files put away three months earlier in full knowledge of all the circumstances because there were no indications of any criminal offences, from making the same decision again and then initiating investigations against the three complainants, bringing charges against them and issuing arrest warrants against them.

I was even denied the right to be heard at my very first hearing in Göttingen on 1 November 2023. The judge, who had already blindly signed the fake arrest warrant without any examination (judge at Moog Local Court), interrupted my statements with the words that I wasn't interested in what I had to say.

The right to be heard can no longer be trampled on more brazenly and obviously. Because, as fellow lawyer Mirko Laudon writes on the website <https://www.strafakte.de/strafverteidigung/kein-rechtliches-gehoer-im-ermittlungsverfahren>:

"If the court allows this treatment to pass and opens the main proceedings, it makes it clear that it - like the public prosecutor's department heads - is not interested in a fair trial, but at best in a short trial."

And so **Mirko Laudon** continues:

"It is then no longer possible to do what would have been possible with a proper and **timely** hearing: it is no longer possible to influence the decision of the public prosecutor's office and, if necessary, avoid proceedings. This means that the purpose of hearing the accused in good time as part of the preliminary proceedings can no longer be realised."

And after everything we have experienced, that was precisely the purpose of the denial of any legal hearing and the denial of any investigation in my case, just as it was the purpose of the abduction in circumvention of extradition proceedings: under no circumstances was the truth

allowed to come out before an arrest warrant had been issued against me and I had been abducted from Mexico and I could be held in a German prison by way of deprivation of liberty.

### **III. obstruction of justice through the arbitrary exchange of facts and the refusal to hear Viviane Fischer on this and corrective statements**

Because he knows exactly that his conduct - if successful - would qualify as a crime in the legal appraisal, namely as a violation of the law with at least one year's imprisonment, the presiding judge at the regional court Schindler declared on 17.05.2024 by way of so-called projection that the defence would accuse the chamber of violation of the law and a qualified deprivation of liberty. The following can be said about this:

Now that the presiding judge, because the originally charged facts have collapsed, has exchanged these facts for other, again invented facts, he can only prevent the discovery of these new inventions by

1. abruptly cancels the commenced taking of evidence, which he himself has ordered, and
2. does not even hear the witnesses named by **us** to refute the new facts and
3. effectively excludes the public from the proceedings and
4. Without a public hearing on the new facts, a judgement was quickly pronounced against me by way of a denial of justice.

In my opinion, this makes Schindler guilty beyond all doubt of obstruction of justice.

The offence of obstruction of justice is defined in Section 339 StGB as a **crime** punishable by at least one year's imprisonment. § Section 339 StGB states that a judge - including lay judges - or public prosecutor who bends the law to the detriment of a party is committing obstruction of justice. However, it does not say what exactly constitutes obstruction of justice. Case law has defined this. According to this definition, a violation of the law occurs when - generally speaking - objective legal rules are broken and a decision is made that objectively contradicts the law and is no longer justifiable.

By breaking these rules, according to established supreme court case law, the judge (or public prosecutor) must **deliberately** and **seriously** depart from the law. Once again: in my opinion, the substitution of facts in order to achieve the desired - or here presumably: demanded - conviction by other means after the collapse of the originally charged facts undoubtedly fulfils the offence of obstruction of justice. All the more so, mind you, if the judge also denies the defendant the right to be heard on these new, previously uncharged facts, i.e. refuses to take evidence requested by the defence to examine the allegations now (since 3 May 2024) in focus and then also effectively excludes the public from the trial.

Throughout the entire main hearing, the presiding judge had built on the accusation of the public prosecutor's office - this cannot be emphasised often enough - that I had committed a breach of trust by taking out a private loan from Corona Committee donations and using the loan privately, including by investing in my property, as managing director of the Corona Committee.

Only when it turned out that

- the content of the charge was false,
- as Managing Director of the Corona Committee, I was solely authorised to manage the company,

and when it was established in the course of the taking of evidence that

- my taking out a loan to temporarily secure part of the donations against immanent confiscation was covered by the managing director's discretionary powers and freedom of action, i.e. by the business judgement rule of company law,

this accusation had to be dropped.

This should have ended the criminal proceedings against me, I should have been acquitted and released immediately. Instead, the presiding judge replaced the now untenable accusations with the assertion that no loan agreements had been concluded - mind you, they were in writing in the file! - loan agreements had been concluded. Instead, there had in fact been an agreement between Viviane Fischer and myself to the effect that the loan agreements had only been concluded as a sham transaction, i.e. with the proviso that they should not be effective, in order to conceal the fact that a trust agreement had in fact been concluded between us, according to which the money was to be transferred to another account and remain there.

This new accusation is based on nothing but a mirage, because Viviane Fischer herself stated when questioned by the chairman that she had - allegedly - assumed that we would both hold the money withdrawn under the loan agreement as a liquidity reserve, but that this had never been explicitly discussed. And she had also explained that transferring the money from the donation account to another account would have been "counterproductive" in her opinion. And on 31 July 2024, she and the lawyer acting on her behalf, Mr Großenbach, were only prevented by a muzzle from the court from making it clear that there was no sham transaction agreement, only effective loan agreements, and that there was or is no company whose shareholders could be harmed, because there were no company assets either, so that I must be acquitted immediately.

The conclusion of loan agreements was also confirmed by further evidence: on the one hand, there were only ever three written loan agreements, which contained all the constitutive elements of a loan agreement, such as the loan amount, term, regulation of interest, repayment and specific designation of the contracting parties. These agreements were concluded between two fully qualified lawyers and attorneys. There are no statements to the contrary: there were no written agreements to the contrary regarding the conclusion of trust agreements or the agreement of a liquidity reserve instead, or that the loan agreements were only concluded as a sham. Such deviating provisions would also have required the written form. Particularly in the case of two fully qualified lawyers as contracting parties, it can be assumed that they are able to state precisely in legal terms what type of agreement they wanted to conclude. Supplementary documents or, for example, the chat histories referred to by the court do not contain any indications that the loan agreements were only concluded as a sham in order to conceal underlying trust agreements. The safekeeping of donations vis-à-vis donors does not automatically constitute a fiduciary agreement either, so there is no corresponding written agreement here either.

The conclusion of loan agreements was also confirmed during the hearing of evidence by the witness statements of Tobias Weißenborn, Cathrin Behn, Martin Schwab and Roger Bittel as well as other witness statements from the private sphere and from the committee's former accountant. Tobias Weißenborn was personally and organisationally involved in the conclusion of the loan agreements. None of the witnesses heard in court testified that there had been any talk of sham contracts or trust agreements when the contracts were concluded or in the period thereafter, or that the parties had wanted to conclude anything other than the loan agreements presented.

Moreover, the articles of association of Vor-gUG did not exclude the granting of loan agreements, especially since the company's objective of being a non-profit organisation was never achieved.

There was no financial loss or mere threat to the assets of the (non-existent) company, as the conclusion of the loan agreements resulted in the acquisition of a repayment claim, both formally and materially, which would also have been legally enforceable. Sufficient property assets to guarantee the repayment of the loan amounts were available to me at all times. This was because I had secured the loan amounts I had taken out with the equivalent value of my property in Göttingen and would have been able to repay them in any case by selling this property. I repeatedly confirmed this in numerous mediation meetings and other public statements and interviews from this period (summer/autumn 2022). The testimony of lawyer Tobias Weißenborn on the conclusion of the loan agreements also confirmed this, as did the other witnesses heard. The Criminal Chamber also states this again in its decision of 11 June 2024 on page 4 below.

The repayment of the loans was ultimately prevented by the intervention of the Berlin lawyer Marcel Templin after the sale of my Göttingen property had already taken place and the subsequent registration of the land charge assigned to him in February 2021 for a claim in a completely different amount. There was already no substantive legal claim for the land charge, as the majority of the members of the "class-action" plaintiff group had already concluded a direct client relationship with my law firm. In addition, Marcel Templin received an amount of 1.15 million from the sale of my property, which realised a total of 1.345 million euros. As proof of this, there are written payment instructions from the notary, numerous emails, bank statements, etc., which are in the file, and the questioning of the notary Kleinjohann involved and the witness Hoffmann in court also confirmed this.

In this respect, the Economic Criminal Chamber assumed in its decision of 11 June 2024 on page 6 that the proceeds from the sale of my property would have been sufficient to repay the loan amount of €700,000 that was the subject of the proceedings and that "in any case, Mr Templin had no material claim in this amount".

Whether Mr Templin had a claim beyond this has no effect on the present proceedings, as further explained in the Chamber's decision.

To the best of our knowledge, however, the money is still in Marcel Templin's account to this day, without the Göttingen public prosecutor's office having intervened in this regard or secured the funds - despite the criminal complaint we filed at the beginning of December 2023. The defence also formally declared in writing at the end of November last year that the claim against Marcel Templin had been assigned to Vor-gUG in the present criminal proceedings.

Just like my stated ability to repay, the examination of the witnesses listed above confirmed my willingness to repay. In particular, the witness Cathrin Behn stated in court that it was absolutely clear that the sale of my property in Göttingen was to be used to settle the debts from the loan agreements to Vor-gUG. This was also confirmed by the witnesses Weißenborn, Schwab, Bittel and Kuhn as well as the witnesses from the private sphere. Even Viviane Fischer admitted this in court.

This is also evident from a large number of public statements, emails - which are also in the file and were even attached to the criminal complaint - and public interviews from 2022.

How, on the other hand, did the Trial Chamber conclude in its decision of 16 July 2024 that I

*"since autumn 2021, as a result of the dispute with Antonia Fischer and Dr Hoffmann in summer 2021, no longer wanted to repay the amounts at all to the previous company existing with them, so that from this point in time there was no longer any willingness to repay to the previous company",*

is not apparent and does not arise in this form either from the taking of evidence or from the witness statements or from my own admission. This statement has been freely invented by the court or any statements on the internal company disputes in the pre-gUG have simply been taken out of context.

The Chamber continues:

*"The reasons why he later decided to use the amount only for the ICIC are of no relevance to the question of guilt or the question of punishment for the offences of embezzlement to the detriment of the predecessor company."*

This finding by the Chamber also lacks any basis and is certainly not the result of the taking of evidence, which was largely forced by the defence.

Only the witness statements of Roger Bittel, Prof Martin Schwab, Cathrin Behn, Tobias Weißenborn, Ivan Künnemann and also, and even more so, the questioning of Viviane Fischer speak against the above misinterpretations of the court. None of the witness statements even remotely supports the Chamber's assumption.

Even the complainants - who had (presumably intentionally) submitted incomplete documents on the sole management authority of all shareholders to the public prosecutor's office when filing the complaint - included my email dated 26 August 2022 as Annex 3.

I already point out in this Annex 3 that my property was already being sold at the time and that I could otherwise have taken out a land charge on the property in the amount of €700,000 at any time to repay the entire loan amount. The loan amounts were to be repaid from the sale of my property - as was repeatedly emphasised during the process.

From the circumstances also described in court, namely that Viviane Fischer and I had distanced ourselves further and further from the two complainants Dr Justus Hoffmann and Antonia Fischer from the summer of 2021 onwards, as they no longer attended the weekly committee meetings at all and had not participated in the committee's activities in any other way, it is particularly perfidious to conclude that I had no longer been willing to repay the loan amounts since that time.

It is true that we - i.e. Viviane Fischer and I - wanted to part ways with the two complainants and exclude them from the company by December 2021 at the latest. This did not work due to the 50:50 distribution of votes, as is already known.

However, it was in fact the case that Justus Hoffmann and Antonia Fischer wanted to "take" 50% of the donations with them when they left the company in the form of the settlement agreement before the court. This was despite the fact that they were no longer involved in the activities of the committee in any way, which they confirmed in court.

There was therefore no legal basis for the settlement offered.

All donors also made donations for the continuation of the committee's work and educational work. This can also be seen from the large Excel spreadsheet available to the court, which the committee's accountant had previously prepared. This extremely detailed table lists every donation to the Corona Committee, no matter how small, in the amount of €5 or €10. The accounting texts listed mainly show "Donation Corona Committee" or "Support SCA". It is therefore perfectly understandable that the majority of donors naturally wanted to support the continuation of the educational work by the Corona Committee and thus primarily the two protagonists of the committee, who essentially carried out this educational work. These were Viviane Fischer and myself, but from spring/summer 2021 at the latest, the two complainants no longer carried out any investigative work in the Corona Committee. They also stated in court that they did not want to continue their investigative work. Ultimately, they have not done so in the last two years since my exclusion from the pre-society in October 2021.

I, on the other hand, have repeatedly - and publicly - expressed my willingness to repay the loan, including in the detailed programme on Bittel-TV on 21 September 2022, where I clearly stated that I would repay the loan from the proceeds of the sale of my property. In this regard, I recommend that the Chamber watch this programme and **hereby expressly request** it,

*to grant me permission to play the programme on Bittel-TV from 21 September 2022 publicly in the main hearing as part of my last word as a defendant in the courtroom as proof of my willingness to repay the loan amounts totalling € 700,000, which I have consistently and repeatedly asserted in public.*

Of course, when I sold my property at the time, I was concerned with repaying the loan amount to Corona-Ausschuss-Vorschalt-gUG. As a lawyer, fully qualified lawyer and even Dr jur., I am well aware that repayment must always be made to the original company. This was also expressly confirmed by the testimonies of Tobias Weißenborn, Ivan Künemann and Roger Bittel. None of the other witnesses mentioned in their statements that I did not want to repay the original company. The extent to which this was practically possible, as the company never had its own account due to a lack of registration and the lawyer accounts held for the donations were constantly cancelled by the banks on the instructions of the State Security Service, is another question.

Even the witness Viviane Fischer confirmed that the repayment of the money took too long for her and that she - allegedly - would not have agreed to the loan amounts being secured by a store of value in the form of my property in Göttingen. However, she expressed no doubt that I wanted to properly repay the loan amounts from the property sale to the relevant company.

In this respect, the court is "splitting hairs" and is now again trying to foist a - supposed - "confession" on me by putting words in my mouth that I never uttered.

The use of the chat with Viviane Fischer from 16 January 2021 does not substantiate the Chamber's fictitious claim either: it quotes a chat message from me in which I told her that only she and I had "sovereignty over the money".

First of all, it can be said that it is in no way comprehensible that the Chamber wants to base a - apparently firmly planned! - conviction of my person almost exclusively on private chats from 2020 - 2022 between me and Viviane Fischer. The questioning of witnesses - apart from the witnesses for the prosecution! - is considered as good as superfluous and these are only admitted by the chamber under very limited conditions and previously narrowly defined questions, provided that the defence summons them beforehand in the self-loading procedure.

Secondly, nothing can be deduced from the chat message quoted, except that it states that Viviane Fischer and I had de facto taken care of the management of the committee and Vor-gUG and had an insight into the finances because we had taken care of them. The other two shareholders, the complainants, on the other hand, did not take care of anything. This was also confirmed by the testimony of Tobias Weißenborn: Tobias Weißenborn, who at the time was still the account manager for Vor-gUG or the Corona Committee, testified in court in the course of his examination that he had actively offered to Dr Justus Hoffmann and also Antonia Fischer to be available to answer questions about the committee's finances etc.. However, he also confirmed that the two complainants had had no interest in this at all and had not approached him with any questions or active bookings.

Ultimately, I actually sold my property at the beginning of October 2022 - as I had always announced publicly and also in internal mediation discussions, see only Annex 3 to the criminal complaint. The property was completely unencumbered at the time, as was also revealed by the notary Kleinjohann in court. It would therefore have been possible without further ado to repay the loan to Corona-Ausschuss-Vorschalt-gUG from the total purchase price of €1.345 million.

As is generally known, I was prevented from doing so by what I consider to be the tortious behaviour of the notifying party Marcel Templin, who obtained the vast majority of the purchase price of €1.15 million without legal grounds and, in my opinion, by deceiving the notary Kleinjohann. The Chamber has confirmed - as described - that the lawyer Templin had no substantive legal claim to the proceeds of the sale of my property, at least in the amount of €700,000.

In a statement dated 29 November 2013, my lawyers also declared an assignment of the claim against the complainant Templin in the present proceedings.

The Göttingen public prosecutor's office is aware of the above decision by the Chamber and was also aware of the assignment of the claim to Vor-gUG. However, it is unknown whether and to what extent the public prosecutor's office would have arranged for the funds there to be secured to date. In this respect, we must assume that the Göttingen public prosecutor's office has been aware of these facts for about 10 months, but has not yet done anything to secure the money to which the Corona Committee would actually be entitled.

However, I am not responsible for the tortious behaviour of a third party. As far as we know, the complainant Templin did not even properly deposit the money from my property sale, which included client funds from the "class-action" plaintiffs' association, in a lawyer's escrow

account, but simply in his business account. Whether the money is still there or has already been spent by the complainant Templin is also beyond our knowledge.

If the repayment of the loan amounts to Vor-gUG was so important to the complainant Templin that he co-signed the criminal complaint dated 2 September 2022, it is questionable why he did not at least repay the amount of €1.15 million acquired by him without legal grounds from the sale of my property to Vor-gUG in the amount of the loans of €700,000. And why did his two partners and shareholders of Vor-gUG, Antonia Fischer and Dr Justus Hoffmann, not at least ensure that their colleague Templin immediately arranged for the loan amounts from the money he had acquired without legal grounds (!) to be repaid to Vor-gUG, which was held by them?

In addition, the majority of the clients from the "class-action" plaintiff group cancelled their mandate with the lawyer Templin in August 2022 and expressly and verifiably granted power of attorney to my law firm. This is sufficient for an effective cancellation of the mandate. Whether the lawyer representing the client likes the reason for terminating the mandate of a client or whether he even considers it to have been brought about by deception is completely irrelevant for the effectiveness of the termination of the mandate. In the present case, there was also no deception on the part of the clients, as there had been a data protection incident in the spring of 2022 in the law firm of the harbour lawyers with regard to the members of the plaintiff class action. This was sufficient to justify a termination of the mandate with Marcel Templin for cause.

Against this background, Marcel Templin no longer even had a substantive legal claim to repayment of the loan from the "class-action" group of plaintiffs, as he no longer represented them for the most part due to a lack of effective power of attorney. Against this background, the land charge entered in the land register in favour of the lawyer Templin only one and a half months after the sale of my property was also made without legal grounds, as he had no power of representation. However, the basis for the entry of the land charge was solely to secure the loan granted by the plaintiffs' association "class-action". Marcel Templin was also aware of this when he acted.

However, the court still avoids looking at this second offence complex at all, which ultimately prevented me from repaying the loan amounts to the Corona-Ausschuss-Vorschalt-gUG.

I, on the other hand, am of the opinion that I do not have to allow myself to be held responsible for the actions of a third party in this respect as my own culpable behaviour.

If the public prosecutor's office had acted in this direction within the last 10 months and had arranged for the money stored in Marcel Templin's account without legal grounds to be returned, there would ultimately no longer have been any legal grounds for the admissibility of the action for adhesion, represented by the two complainants Dr Justus Hoffmann and Antonia Fischer.

In the overall view, these facts alone permit the conclusion of genuine loan agreements.

In addition, Viviane Fischer's lawyer had himself submitted an affidavit to the court in which I expressly declare - and in this respect affirm in lieu of oath - that only genuine loan agreements had been agreed between us.

Despite the vague case law of the BGH, which serves to protect the judiciary, in my opinion this behaviour of the chairman and the chamber not only leads to an obviously incorrect decision to my disadvantage in accordance with Section 339 StGB, because the agreements alleged by Schindler - unlike the written loan agreements covered by the Business Judgment Rule - do not exist. Rather, this invention of new facts and the associated denial of the right to be heard in this regard is, as Schönke/Schröder/Heine put it (para. 11), *"an objective breach of legal rules, so that a decision is made that is objectively contrary to law and order and no longer within the bounds of reasonableness"*.

In this way, the presiding judge at the Regional Court, Mr Schindler, is not only **seriously** departing from the law by committing this elementary offence against the administration of justice, as required by established supreme court case law (para. 12 of the above quotation), but in my opinion he is also doing so **deliberately**. Not only does he know this because, according to his written references, he presumably already considers himself to be guilty of obstruction of justice and because pressure is and has obviously been exerted on him to bend the law, but he also knows this because we are giving him a little lecture on obstruction of justice here, together with legal sources.

#### **IV. Freedom of expression and information in the "battle for justice"**

The following statements not only shed light on what my law firm and I as lawyers have set in motion over the last 30 years, but also on the fact that, contrary to what Schindler claims, in the "fight for justice" even exaggerated and harsh statements are perfectly acceptable, and I therefore also believe that accusations of obstruction of justice are acceptable, especially if such statements are made in a heated atmosphere provoked by state behaviour.

As a reminder: Presiding Judge Schindler began his procedural order of 17.05.2024 with the barely veiled threat of restricting the defence because of its procedural statements in these public criminal proceedings, because these statements were irrelevant and defamatory. He accused us of spreading half-truths and untruths in order to allegedly accuse the public prosecutor's office and the court of criminal offences without foundation. This, the chairman continued, served to exploit the fact that the public did not know the facts and was not legally versed. In other words, the public is too stupid to understand the difference between right and wrong and good and evil. And the public is incapable of recognising whether the public prosecutor's office and the court are working properly or not. It could hardly be more presumptuous or arrogant.

Well, it is true that, in my opinion, we have now reached a point where we must indeed assess the unlawful and unconstitutional behaviour of the presiding judge at the District Court, Mr Schindler, and the other four judges who followed him, the public prosecutor, Mr John, and other parties involved in the trial as an attempt to commit a joint violation of the law in conjunction with a qualified deprivation of liberty.

In all our statements, we rely on the fundamental right to freedom of opinion, expression and information in Article 5 of the German Basic Law and the associated Article 103 of the German Basic Law with the right to a fair hearing formulated therein; specifically, we rely on the principles that have been developed for the so-called **"fight for justice"** by the established case law of the highest courts. This case law says that even in a civil law dispute - especially if it takes place against a background fuelled by state action and triggering public outrage - strong, even exaggerated words are perfectly acceptable, including accusations of obstruction of justice against judges. This must apply all the more in criminal proceedings, because there is

much more at stake than just money. And it must be all the more valid in criminal proceedings that even cause worldwide outrage because of the arbitrary behaviour of the state, which is also obvious to the public.

I base the following remarks on the mass litigation launched by me and my law firm colleagues at the end of the 1990s, which is still ongoing today, on the grounds of junk property financing and the resulting public outrage.

The legal disputes in question concern hundreds of thousands of consumers who were deprived of their livelihoods by German banks through massive fraud. They were duped by the banks' loan brokers into buying at least twice, and often even three times, overpriced flats, so-called junk properties, together with full financing from the banks by way of fraud. In legal disputes and in the literature, these cases are referred to as "shakedown property financing". They led to a judicial scandal that eventually exploded into the public eye and were accompanied by a media scandal that is still largely unknown today, which I will explain shortly. These disputes are still characterised by heated and tough arguments in the courts today.

The following should also be added: These transactions were taken to extremes in 2007, 2008 and 2009 in the USA, mainly by Deutsche Bank, because the German judiciary did nothing to stop them, and triggered first the US property crisis and then the global economic crisis and the euro crisis.

At that time, my law firm and I represented thousands of injured parties against the banks and we conducted by far the most lawsuits in these cases of shakedown property financing. I heard these cases in court every day for years, sometimes even in two courts in one day, in the morning in Frankfurt and in the afternoon in Stuttgart. I conducted at least 2,500 to 3,000 witness hearings. That is why my colleagues at the law firm and I know very well - also confirmed by many private conversations with judges after they retired - that all the judges involved in these cases knew that the banks were lying in court and that the Banking Senate of the Federal Court of Justice was bending the law to protect them. The exact details of this are very exciting, but take up too much space here; I will tell this in detail in a book.

Here is just this much: I had learnt that the two highest BGH judges responsible for banking matters received money from banks for supposedly academic weekend seminars. In reality, these seminars only served to conceal the fact that in the evenings, over beer and wine and dinner, the judges and the bank representatives discussed in detail how they could best overturn judgements in favour of our clients and against the banks. Two participants in one of the seminars, a respected lawyer and an editor of a consumer protection magazine, gave me affidavits stating that these judges were discussing with the bank lawyers and other bank representatives over dinner and beer and wine in the evening, as described above, how they would be able to overturn three cases in particular that my law firm had just won at the Bamberg Higher Regional Court a few weeks later. One of them even explained that consumer protection - an EU state objective after all! - was a "hydra" that needed to have its "heads chopped off". In a few weeks, my three judgements would be overturned. And that's exactly what happened!

In the early 2000s, I filed a criminal complaint against these two BGH judges for obstruction of justice and bribery. Apparently no one had ever done this before, which surprised me when it became known. To my - now naive - surprise, despite the overwhelming evidence, there was no investigation at all. Today, of course, I realise that the public prosecutors, who are bound by political directives, were instructed not to investigate.

But we made sure that the scandal was not buried, but publicised, because I was very well networked with other legal scholars and lawyers, as well as media representatives. In this way, we ensured that the facts, which are still scandalous from today's perspective, became **public knowledge**. As a result, many respected law professors, fellow lawyers and of course myself, but even former and active judges to whom I had described the events, commented on them in legal journals, but also in the mainstream media and on TV. Everyone complained about the corruption at the highest levels of German courts. I was able to describe Deutsche Bank's unbelievably brazen trial fraud (i.e. Deutsche Bank's brazen lies in the trials) not only in two specialist articles, but also in a whole host of mainstream TV reports and was also supported in this by a number of legal scholars.

Then something happened that shocked me almost more than the corruption at the Banking Senate of the BGH: A legendary SPIEGEL editor, Dr Hermann Bott, had researched an article very well about Bayerische HypoBank, which was also deeply involved in junk real estate financing (it soon collapsed because of this financing and was bought by the Italian Unicredit Bank). A few days before his article with the headline "An organised mass fraud" was due to be published, Dr Bott called me, completely distraught, and asked me to come to Hamburg. There he handed me the galley proof of the article (**attachment, to be submitted later**) and explained to me that the article would not appear in SPIEGEL, the most internationally respected and important German news magazine at the time. He went on to explain that when HypoBank found out about the article, because Dr Bott naturally wanted to obtain their opinion for the article, they immediately sent a group of lawyers and marketing people from Munich to Hamburg. As a result of the discussions with the editors-in-chief of SPIEGEL, they "bought" the article and made it disappear. This is called "catch and kill" in the USA. HypoBank's quid pro quo for this was an advertising contract with SPIEGEL: in return for payment of many millions of euros, HypoBank ran an entire advertising campaign in SPIEGEL under the slogan "Live, we'll take care of the details". In order not to damage Dr Bott publicly, I did not make this public at the time, but only informed a few colleagues, legal scholars and other lawyers whom I trusted.

Because we all realised that the judiciary in Germany was corrupt through and through, at least in the key areas, we, namely a colleague from Bremen and I, finally took some of his cases to the European Court of Justice. There, after an absolutely fair and highly motivating oral hearing, the consumers won ground-breaking decisions in favour of the consumers and against the banks. However, the BGH, under the leadership of the two corrupt judges, refused to implement this decision. In fact, it tightened its jurisdiction even further in favour of the banks by way of legal bending.

Although I also managed to publish a very comprehensive article on this judicial scandal in DIE ZEIT, the control of the Banking Senate of the Federal Supreme Court by the banks had progressed so far that, despite the public outrage, nothing changed - except that the Chairman of the Banking Senate of the Federal Supreme Court is forever branded as a compliant puppet of the banks. But perhaps this is also something like "poetic justice", i.e. equalising justice.

Against this politically, legally and medially heated backdrop, more and more court hearings took place, in which ever tougher and ever clearer words were used to negotiate and fight for justice. The most important decision for these comments on freedom of expression and information in the context of the "*fight for justice*" comes from the Berlin Court of Appeal (see BVerfGE 76, 171, 193; Müller NJW 2009, 3746, 3748), which in turn relies on the Constitutional Court. The case before the Berlin Court of Appeal concerned criminal proceedings against a

Berlin lawyer. As the investor representative in a civil case, a so-called junk property financing case, he had made the following comments in a motion for recusal:

*"At this point at the latest, it becomes clear that the rejected judges are not objectively impartial judges at the Court of Appeal, but merely a kind of auxiliary force of the plaintiff (the bank, note by the undersigned). It has always been said of the plaintiff's legal representatives that, due to their involvement in political Berlin, they are able to achieve things that no law firm can."*

Although the colleague was initially convicted of criminal offence for this statement made in a civil case, a very carefully working senate of the Berlin Court of Appeal acquitted him and declared:

*"It is also recognised that in the 'fight for justice', a party to proceedings may also use strong, forceful expressions and catchphrases as 'professional weapons' to emphasise his legal position, even if he could have formulated his position differently (see BVerfG NJW 1991, 2074, 2075; BayObLG NStZ-RR 2002, 40, 41; OLG Hamm NStZ-RR 2006, 7, 8; Senate StV 1997, 485, 486). A lawyer can therefore also make defamatory insinuations and assumptions that strengthen his legal opinion [...]"*

*Even if the statements [...] incidentally even contain the accusation of criminal offences (e.g. obstruction of justice), it is recognised that the critic can in principle even express his criminal assessment of events as a personal legal opinion, even if it does not stand up to objective assessment."*

The KG Berlin, which had to review the lawyer's statements under criminal law, declared that these were permissible expressions of opinion for the purpose of legal prosecution, i.e. in the fight for justice. In its reasoning, the court takes an exemplary, differentiated approach to the particular explosive nature of the junk property lawsuits, which triggered massive public outrage, and explains why defamatory statements can also be appropriate for the purpose of legal action against the injured investors:

"In this context, it is significant that the civil law dispute concerned the consequences of a failed construction project in which - in addition to specific insolvency law issues - the allegation was significant that the allegedly fraudulent consulting companies responsible for the subsequent financial collapse were economically intertwined with the financing bank. This constellation, which laypersons overwhelmingly consider to be obvious, but which courts have largely rejected, has occupied the courts extremely extensively and intensively. It is a widely discussed problem of economic significance with at least 300,000 injured parties ("junk real estate", "housing financing brokered by shakedowns", cf. BGH NJW 2002, 2336), which, due to the - then somewhat changed (cf. BGHZ 168, 1; BGH NJW 2006, 1957) - which followed the predominant case law of the higher courts (cf. only BGH NJW 2000, 2353; NJW 2000, 2270; NJW 2000, 2268; OLG Cologne VersR 2002, 990, each with far-reaching post-script) and the ruinous social consequences for the banks. The choice of words was combative and caused the most violent reactions for years. The choice of words was combative, exaggerated and in parts insulting. Organised resistance formed in networks against this case law, which had been repeatedly thwarted by the European Court of Justice (see only ECJ ZIP 2005, 1959; NJW 2002, 281; Hoffmann ZIP 2005, 1985), as well as a defence organised by banks. Both the judges defending it

(against "consumer-friendly" courts, e.g. the Bamberg and Karlsruhe Higher Regional Courts) or attacking the legislator (the "spook of consumer-friendly case law must be brought to an end", quoted from BGH NJW 2002, 2336; the consumer protection laws are, in reference to Otto von Gierke's finding from 1889, a "drop of socialist oil" missing in the draft of the BGB "oil pollution of private law", cf. Bungeoth in Festschrift für Schimansky, Schutz vor dem Verbraucherschutz? p. 279, 281) as well as those arguing in favour of the affected side (Egon Schneider: "Karlsruher Weißwäsche" ZAP 2003, 577; "Glaubwürdigkeitskrise des BGH" ZAP 2003, 841); readers reacting to this: "interessenfinanzierter Vortragstourismus von BGH-Richtern", "dass gegen reisende Richter einwenden ist, dass sie sich bezahlen lassen und dass sie die Arbeit, für die sie bezahlt werden, nicht tun", Nachw. in Schneider ZAP 2003, 841"; "Der Spiegel": "most reliable friend of the banks", quoted from Derleder, Subprime Judikatur, KJ 2009, 3,4; Derleder himself: "the banking law senate under the leadership of Nobbe as a kind of godfather", "phase of repressive ignorance" "disrespectfulness of some judges towards applicable laws", KJ 2009, 3, 7, "The banking law senate has proven to be a kind of co-player of financial capitalist risk production ....", KJ 2009, 3, 24; cf. also Nassall NJW 2008, 3354) used strong, hurtful expressions to denounce the actions of the respective opposing party, which they considered scandalous, in an issue that is politically significant due to its social consequences. The case law cited also contributed to the private insolvency at issue in the present proceedings due to the maturity of the entire loan in the event of cancellation or termination (cf. Derleder KJ 2009, 3, 12). Deutsch (Verbraucherschutz gegen den BGH, NJW 2003, 2881) summarised the situation almost lyrically: "In the rarefied atmosphere of the BGH, the complaints of the impoverished defrauded fade away."

In conclusion, the court states:

"The defendant had to be allowed to defend himself against the routine adoption of this case law of the BGH by the Berlin courts with similarly powerful words and comparisons."

It's the same here.

Dr Reiner Füllmich, 20.09.2024