

# German Court Strips Zundel Of Defense Team

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Dear all - the attachment contains a brief account of the first day in the hearings against Ernst Zündel in Mannheim, Germany. Please forward! Best wishes, Markus Haverkamp

On Tuesday morning roughly 80 supporters of Ernst Zündel and 35 representatives of the media met at the Regional Court Mannheim, a court notorious for its zeal and fervour in persecuting Revisionists. The atmosphere was extraordinarily pleasant, the supporters having come from as far as Canada, the UK, France and Switzerland.

Following the usual security procedures by the police, who were very friendly indeed, the hearing began shortly after 09.00 when the judge, Dr. Meinerzhagen, his two colleagues and two jurors entered the courtroom. Ernst Zündel, wearing a blazer and tie, made a healthy and confident impression; he was represented by Miss Sylvia Stolz, whom Ernst Zündel had appointed as his mandatory lawyer, as well as Jürgen Rieger and Dr. Herbert Schaller (Austria) as his lawyers of choice. Miss Stolz' assistant was Horst Mahler. Ernst Zündel was thus represented by possibly the most experienced and highly qualified team of lawyers for dealing with Holocaust persecution and nationalism.

The judge opened the hearing by taking down Ernst Zündel's name, date of birth, profession and address.

Having done so, Dr. Meinerzhagen proceeded to attack the defense team, by first reading out aloud Horst Mahler's prohibition to practice his profession that had been passed by the Local Court Tiergarten, and extensively quoting Herr Mahler's remarks on Revisionism, the Jewish Question and the status of the German Reich. He then demanded that Herr Mahler be relieved of his appointment as Miss Stolz' assistant.

Sylvia Stolz pointed out that owing to the fact that Horst Mahler was not acting as a lawyer but merely as her assistant there were no grounds for dismissing Herr Mahler. The judge retorted that it would seem that Mahler's influence on the defense is considerable, to which Sylvia Stolz replied that it is alone her business which writings she makes use of in her defense and that this is her responsibility.

Upon this, the judge threatened to have Herr Mahler removed by force and put into custody for a day. The public shook their heads with disbelief at hearing this.

At this point, Jürgen Rieger pointed out that such attacks against the defense had not even taken place in the Gulag.

As Sylvia Stolz continued to be persistent in having Mahler as her assistant, the judge ordered the police to remove Mahler from the courtroom, at which point (the guards were already standing behind Horst Mahler) Miss Stolz stated that as it was her decision, not the court's, and that seeing as they were being coerced by force, she

would herewith relieve Mahler from his duty as assistant. Mahler then took a seat in the public area. All this caused an uproar from the public provoking the judge to threaten to lock the public out.

Dr Meinerzhagen, however, was merely warming up.

The judge then read out the court decision from 07.11.05 where it was decided that the petition of the defense to have Zündel released from custody for the time being until the Federal Constitutional Court decides whether §130 Penal Code (Holocaust muzzle) is congruent with §5 Basic Law (freedom of opinion and speech) was refused.

The judge then made it clear that all "incitement to hatred" by the defense would be vigorously suppressed and then stated that the defense was using terms and stating matters which were endangering the defense of being itself accused of violating §130 Penal Code. He here said that he would not listen to "pseudo-scientific views since the Holocaust is a historically ascertained fact" (this caused the public to roar with laughter).

Dr Meinerzhagen continued by saying that he was not sure that Sylvia Stolz is suited to being Ernst Zündel's mandatory lawyer as she was likely to make herself guilty of the violation of §130; furthermore, since Ernst Zündel was thus likely to lose his mandatory lawyer, which would slow the proceedings down, the status of Miss Stolz as his mandatory lawyer is to be revoked.

After Zündel made it clear that he wishes to be represented by Miss Stolz, the court took a break to deliberate on this issue.

After its deliberation, the court revoked Miss Stolz' appointment as Ernst Zündel's mandatory lawyer. Dr Meinerzhagen then proceeded to say that Jürgen Rieger was not suited as the mandatory lawyer of the accused either, because it is known that Herr Rieger is of Revisionist opinion and it is to be feared that he would not be properly objective in the matter. The judge here cited examples from Jürgen Rieger's past - facts which he obtained by breaking the data protection laws as Rieger then pointed out.

Moving on to Dr. Schaller, the judge stated that he too was not suited to be Zündel's mandatory lawyer either, since owing to his old age it could not be guaranteed that Dr. Schaller would be up to the job.

In his ensuing, powerful and brilliantly delivered statement, Jürgen Rieger drew the judge's attention to the fact that Konrad Adenauer had been well into his 70s when first elected as chancellor of Germany, this as well as many other statements again causing the public to voice their approval, giggle and laugh.

The purpose of the Judge was all too obvious: by eliminating Ernst Zündel's brilliant defense team he would be able to appoint a mandatory defense lawyer of his own choosing, one who would not make any petitions or place motions to hear evidence, but who would act in accordance with Dr. Meinerzhagen's designs. The defense, however, refused to be intimidated by these actions.

After having eliminated the possibility of Zündel having a mandatory lawyer of his preference, the judge asked how the matter was to be continued, to which the accused stated that he would dismiss his third lawyer of choice (Bock, not present at the hearing) and would take Sylvia Stolz, Jürgen Rieger and Dr. Schaller as lawyers of choice. (Note: In hearings before a regional court, German law requires that the accused have a mandatory lawyer; the accused may also have up to three lawyers of choice).

Rieger then pointed that such a decision ought to be left to the bar, and Miss Stolz added that since the court desires to have a mandatory lawyer who has Ernst Zündel's

trust, the court ought to act accordingly, unless, of course, the court has other things in mind. At this juncture, the hearing was interrupted for 90 minutes to allow for lunch.

During the lunch break, the defense lawyers as well as the public prosecutor gave interviews to the media. During an interview with the latter, one of Zündel's supporters, Dirk Heuer, asked the public prosecutor in front of the cameras: "How can you sleep at night?" The police led him away on the spot.

After lunch, having again been through the security screening (the police officials becoming increasingly amicable), we returned to the courtroom. Jürgen Rieger then proceeded to read out a petition that the court is prejudiced. The eloquence and emotional power of Rieger's statements can only be hinted at.

After Rieger finished, Sylvia Stolz made a statement, saying that the defense was being publicly threatened not to state anything forbidden by the court, and that this is an outrage and that such thoughts could only be the fruit of a sick mind.

Miss Stolz then petitioned to exclude the public from further hearings on the grounds that the defense was being threatened by the court of being persecuted for violation of §130 Penal Code. (Note: This paragraph only comes into effect when the "crime" is perpetrated in public; by excluding the public, the defense would be able to voice "forbidden thoughts" without being liable for persecution). Sylvia Stolz continued by saying that should the court wish to have a public trial, the defense team would be in grave danger of persecution.

The court then decided to go into recess until Tuesday 15.11.05, 10.00.

On leaving the courtroom, the sympathy of the police who had been present throughout the hearing was extraordinary - expressions of support, pats on the back, etc.

All in all, the day was a huge success. Dr. Meinerzhagen clearly showed his prejudice and his will to destroy Ernst Zündel's defense as well as his will not to accept any evidence the defense lawyers might present in order to defend the accused. Furthermore, the judge clearly broke the most basic of judicial norms by publicly threatening the defense before they had even started defending the accused, as well as by forcing Horst Mahler to leave the floor and revoking Sylvia Stolz' appointment as mandatory defense lawyer.

It was blatantly obvious that this was to be a show trial. The defense team put up a brilliant fight; Jürgen Rieger with his powerful, witty comments and Sylvia Stolz with her quite, calm and perfectly determined bearing. The two final petitions by the defense team were excellent strategic moves:

a) the court will have to deal with the petition that it is prejudiced, i.e. it will have to analyse its actions and account for them, this being something the court dreads, and

b) by petitioning to exclude the public, Miss Stolz gave the court a choice: to either exclude the public, in which case the court will be confronted with the evidence from Germar Rudolf's Lectures on the Holocaust and Horst Mahler's "Motion to Hear Evidence on the Jewish Question", which would be devastating for the court, as well as creating waves both in the judicial world as well as in public (why the secret trial?), or, to include the public in which case the defense team would be tried itself for presenting its evidence nonetheless, causing both the public and the judicial world to ponder what is going on.

Either way, the way things look it seems highly unlikely, that the court can reach a decision that truly benefits its plans to lock Ernst Zündel up.

The show trial continues on Tuesday, 15 November 2005 at the Regional Court

Mannheim, 10.00.

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