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Concern of partiality in the hearing procedure as well as additional justification of the hearing procedure

.....

File number: ....

reference is made to the hearing complaints by colleagues Prof. Dr. Schwab and attorney W. Schmitz. The signatory also indicates that the complainant is represented in the hearing procedure. A power of attorney and assignment made out to the signatory is assured by a lawyer.

The complainant requests

the judges dr. Haeussler, Dr. Langer, Dr. Eppelt and the assessors, Colonel Mielke and Lieutenant Colonel Suchordt, due to concerns about bias in the hearing process, from participating in the decision.

Reason:

There is a concern of bias if one of the parties involved in the proceedings**at reasonable assessment of all circumstances**has, on the impartiality of to doubt judges. "Actual bias or bias is not required lich; the "**evil glow**", i.e. the possible impression of a lack of objectivity *(BGH decision of February 28, 2018, 2 StR 234/16).*

In any case, the limits of a violation of the constitution are exceeded if the interpretation of a procedural norm or its application in individual cases is arbitrary or obviously untenable or if the judicial decision fundamentally misjudges the meaning and scope of the constitutional guarantee of Article 101 (1) sentence 2 GG the Federal Constitutional Court in a decision*(v. July 25, 2012, 2 BvR 615/11).*

The legally prescribed judge is intended to ensure the independence of the judiciary and to ensure the trust of those seeking justice and the public in the impartiality and objectivity of the courts*(BVerfG, decision of October 30, 2002, 2 BvR 1837/00).*

The constitution is intended to guarantee that the person seeking justice is faced with a judge who is independent and impartial and who guarantees neutrality and distance from those involved in the proceedings. This is intended to prevent a politically guided decision by the court.

The Senate deviated so much from this legal model that the complainant expressed justified concern that the judges would no longer be able to conduct and decide the hearing complaint procedure unbiasedly and with the necessary objectivity.

In detail:

With a reasonable assessment of all circumstances, the concern of bias is given.

The individual aspects for an overall view:

1. Refusal of the lawful judge

Miss Dr. In her brief dated April 14, 2022, Röhrig requested on page 10 that the European Court of Justice be referred for a preliminary ruling in accordance with Article 267 (3) TFEU, outlining the specific questions that the European Court of Justice should answer in relation to the interpretation of European law.

The senate that has the final decision must submit this question if it is clearly of significant importance to the senate's decision and the senate's interpretation of European law differs from that presented by the complainants.

Until July 7th, 2022, there was no indication from the Senate that the Senate intended to base its decision significantly on the conditional approval granted by the EMA for the gene therapeutics of ModeRNA and BioNTech.

Rather, he cut off the entire lecture harshly and indignantly. The Senate does not intend to deal with the issues surrounding conditional approval. The Senate will neither allow the nullity and ineffectiveness of the conditional approval to be presented, nor will the Senate consult any procedural files from the EMA. There will therefore also be no referral to the ECJ and the following questions from Dr. Röhrig cannot be answered by the ECJ.

1. Are the disputed gene-based injections “gene therapeutics” within the meaning of Annex I Part IV Number 2.1 of Directive 2001/83/EC?

2. Are the active ingredients in gene-based injections antigens?

3. Do gene-based injections meet the vaccine definition?

4. Are all the requirements for granting a conditional approval in accordance with Art. 14-a of Regulation No. 726/2004/EC for gene-based injections met:
a. existence of a supply gap;
b. Presence of a severely disabling or life-threatening illness;

c. Objective existence of a crisis situation
i.e. Incomplete pharmaceutical or pre-clinical documentation?
e. Positive risk-benefit analysis also against the background of incomplete data?

After the entire presentation on the blatantly illegal procedure at the EMA was cut off by the Senate and the right to be heard was denied in this respect, the complainants could and had to assume that with regard to § 17a SG it was in no way relevant to the decision on the granted conditional Admission will arrive because the Senate wants to deal with the content of the elements of the offense of § 17a SG. In this way, it was not recognizable that the Senate had intended from the outset to place the formal aspect of a granted conditional approval above the constituent elements of § 17a SG and, in particular, no longer had an argument in relation to the dangers to life and limb until will allow towards death.

The complainant was more than taken by surprise and surprised that the Senate hid behind the allegedly effective conditional admission in the reasons for the decision,

and dangers to life and limb, including death, were completely ignored in the reasons for the decision, although this aspect is also significant for Section 17a SG in a way that is relevant to the decision.

The cutting off of the legal hearing and the entire presentation for admission by attorney Dr. Röhrig alone is enough to arouse the suspicion of partiality, because a question relevant to the Senate's decision could not be subjected to a substantive or legal debate.

The European Court of Justice decides on questions of European law. Thus, the judges of the ECJ would have been the only ones authorized to answer the questions essential to the decision. The disregard of Art. 267 TFEU and thus the removal of the statutory judge represents a circumstance that raises doubts about the neutrality and objectivity of the Senate.

2. Death and danger to life and limb disregarded - acts of killing with supposedly effective authorization brushed aside as acceptable

Shortly after the Senate's decision was announced on July 7th, 2022, Mr. Lauterbach appeared with an explanatory video and explained that not only was there considerable damage caused by vaccination, but that death was also to be expected in one case or another.

Also Prof. Dr. Martin Schwab and the undersigned explained in detail how the gene therapy drugs work and the damage that occurs. The Senate was presented with over 350 individual reports from vaccine-damaged clients from the undersigned’s law firm and the explanation and evidence why everyone who receives an mRNA injection necessarily has their immune system destroyed, because an mRNA injection cannot be introduced into the human body in any other way. The scientific staff at BioNTech provided the scientific explanations themselves.

When the Minister of Health explained the danger of death, the complainant thought that everything had already happened before - namely with the order to shoot in the GDR. A little journey into the past.

Order No. 39/60 of June 28, 1960 by the Minister of the Interior of the GDR relaxed the comparatively restrictive requirements for the use of firearms that had been in force until then. So could

"*firearms may be used in compliance with the relevant legal provisions [...] In the arrest of spies, saboteurs, provocateurs and other criminals if they offer armed resistance to arrest or flee and there is no possibility of arrest by another qualified person bring about action.*"

After the Wall was built in August 1961, the order to shoot became even more explicit. At a briefing of the "Central Staff" set up by the Politburo on September 20, 1961, the head of this staff said,Erich Honecker , at the same time Central Committee Secretary for Security:

"*Firearms are to be used against traitors and border violators. Such measures are to be taken that criminals in the100m Exclusion Zone can be asked. Observation and firing field is to be created in the exclusion zone.*"

From October 6, 1961, there was an order from the then GDR Minister of Defense, Army GeneralHeinz Hoffman , the theBorder troops of the GDR obliged to use the firearm sharply immediately and to destroy fugitives if they could not be arrested in another way. In a speech that was captured on film, Hoffmann said in August 1964:

"*Anyone who doesn't respect our limit will feel the bullet.*"

Erich Honecker declared on May 3, 1974 at the 45th meeting of theNational Defense Council in his function as Chairman:

"*Efforts must be made to ensure that border breaches are not permitted at all [...] a perfect field of fire must be guaranteed everywhere [...] guns must still be used ruthlessly when attempts are made to breach borders, and it is the comrades who have successfully used the gun , to commend.*"

Indeed, it was common to see border guards who had prevented border breaches by shooting fugitives, to commend. Alsospecial leave was granted and cash bonuses were paid.

Certainly the administrative acts of the GDR were obviously illegal and void and not to be observed. Even under East German law. The argument then was the same as that used by the Senate for its decision. The administrative acts may be unlawful, but they are initially “effective” in space. It may be that the injections cause severe damage and even death - but the injections are (conditionally) approved to be effective. But that is precisely what the Basic Law has always denied. There is no obligation to sacrifice one's life for others. There is also no obligation to have to accept damage to one's health in order to supposedly protect others. There is also no right for a third party to decide about it.

In its decision of February 26, 2020, Az: 2 BvR 2347/15, the BVerfG has repeatedly determined that everyone has the right to kill and injure themselves in a self-determined manner. However, as the Federal Constitutional Court has repeatedly made clear, this requires effective consent. However, this consent will always be lacking in the Bundeswehr, since there is neither complete nor correct information about the consequences of gene injection (see, inter alia, VO (EG) 507/2006) and also about the possible vaccination damage up to the occurrence of death as well as about the existing vaccination damage and the number of reports to the PEI and EMA. Added to this is the enormous pressure from the command, up to and including the loss of his own source of income.

It is downright unbearable for the complainant, as a Senate can see, that the death of the soldiers or serious illness and suffering must be accepted with the injection. With a formal argument, the Senate not only swept away § 17a Paragraph 4 Sentence 2 SG, but also the citation requirement.

From the point of view of the complainant, this is a blatant act of perverting the law, which is not consistent with his oath to the Basic Law. The complainant did not swear his oath to the executive or the Federal Administrative Court as supporters of the killing and injuring of comrades by injections, but to the Basic Law. The decision of the Senate represents an intolerable act of arbitrariness.

3. Relaxed short - Plea of the opposite side suggests knowledge of the outcome of the complaints procedure

After the decision of July 7, 2022, it was clear that whatever the outcome of the legal dispute, the respondents knew it the following day. Prof. Dr. Martin Schwab rubbed his eyes in disbelief when the other side's plea reflected nothing of the result of the taking of evidence and nothing more than a sentence "Everything was legal" came out. This is absolutely unusual, since, given the objective course of events, it was perfectly clear that, based on the result of the hearing of evidence, the applicants would have to lose the case. But there was great relaxation there. This is so atypical and unusual for experienced trial lawyers, such as attorney Wilfried Schmitz and the undersigned, that suspicion in this regard is justified. May the assessors in particular provide information on whether the result was already available before the pleading on July 6th.

4. Done from 06.07. to 07.07.2022

As the colleague Attorney Schmitz and the undersigned already explained, at 6:00 p.m. on July 6th, 2022 there was still no result of the consultation, which is why the Senate could not yet announce a decision.

The consultation should then be continued the following day, so that a decision can only be announced at 11:00 a.m. on July 7th, 2022.

On July 7th, 2021 at 6:48 a.m., FOCUS online already posted the Senate’s decision online.

Colleague Wilfried Schmitz had already explained in this regard that not only was the publication recorded by colleagues with a screenshot, but also that an Internet expert read the cache from the Internet, in which the uploaded content from google cache was recorded with the time. It is thus on record that Focus online uploaded the content of the decision at 6:48 a.m.

The members of the Senate are all subject to consultation secrecy (cf. § 193 GVG).

According to § 193 paragraph 4 GVGthe obligation made by the president or by the supervising judge of the court. He may delegate this power to the chairman of the panel or to the judge to whom the persons referred to in paragraph 2 are assigned.

Persons who have been specially obliged according to sentence 1 according to § 193 paragraph 2 GVG are responsible for the application of the provisions of the Criminal Code on the violation of private secrets203 Paragraph 2 sentence 1 number 2, sentence 2, paragraphs 5 and 6), exploitation of third-party secrets (§§204 ,205), violation of official secrecy (§353b Paragraph 1 sentence 1 no. 2, sentence 2, paragraphs 3 and 4) equal to those with special obligations for the public service.

This must also be maintained until the decision is announced. It is an expression of the impartiality of the court. Here, however, the political pressure was so high, above all because of the disastrous taking of evidence brought to light against the Respondent, that early publication of the decision was intended to ensure that the result of the taking of evidence was no longer published on the Internet, but to put an end to every discussion politically with the decision. The political pressure was therefore noticeably high, especially since the taking of evidence had also brought other topics to light that the Bundeswehr was involved in all the biological weapons concepts and not only through the publication of the PCR test by Prof. Dr. wolves,

So it's not a trivial offense. Both attorney Wilfried Schmitz and the undersigned asked all members of the Senate who were involved in the decision to give their official statement, since it had to be decided whether only one of the Senate members should be rejected because of concerns about bias or all of them.

In response, the President of the Senate, Dr. Häußler per beA only lawyer Schmitz that he had received the claim from Focus Online that the article had not been posted at 6:48 a.m. It is an incorrect timestamp. The lawyers should have done more research.

what dr Haeußler was unaware that the research had already been carried out, resulting in the refusal of official comment for all members of the Senate

combined with a counter-attack on the organs of the administration of justice, which pointed out the violation of the confidentiality of deliberations, paints a particularly unpleasant picture in relation to the impartiality of the Senate members.

It is now clear that all members of the Senate cover each other despite the requirement for an official statement and that no one wants to make an official statement.

The requested statement referred to all third parties outside the Senate with whom the content of the matter was discussed, since it cannot be ruled out that Senate members themselves did not pass on the information to Focus-Online, but that it could also be employees from ministries, who, after exerting their influence and confirming that the decision would go like this, then informed the press themselves. In this respect, it is also essential to name all third parties with whom you spoke between 6:00 p.m. on July 6, 2022 and 6:48 a.m. on July 7, 2022.

To date, there has been no answer to this, which increases the concern of the complainant's bias.

5. Material aspects of obvious arbitrariness and one-sided disadvantage

Furthermore, the complainant also bases his application for the participation of the judges in the decision in the context of the hearing complaint on the very correct reasoning of the hearing complaint by lawyer Wilfried Schmitz and Prof. Dr. Martin Schwab.

In particular, from the brief justifying Prof. Dr. Martin Schwab is to be feared that all procedural legal principles for evaluating the taking of evidence were thrown overboard for purely politically motivated reasons in order to unilaterally help the respondent to carry out the gene experiment on the entire Bundeswehr, with all the resulting consequences. The Senate has taken note of all the damage caused by vaccination, including the depiction of dying from gene injection. The Senate was informed about the bioweapon capability of mRNA substances by Prof. Dr. Ulrike Kämmerer and cannot say that he knew nothing about the serious consequences of the experiment, which were more than likely.

there are also deaths in the Bundeswehr that are not attributed to the vaccination because nobody will take the destroyed immune system into account. It is so perfidious that the complainant is ashamed of the Senate's ignorance of the judiciary.

Since July 7th, 2022, all members of the Bundeswehr have known that the Federal Ministry of Defense is no longer responsible for all further damage to health and fatalities in the Bundeswehr, but the Senate.

Society is giving away the most important thing it has – the right. Democracy lives by law. A transformation is taking place from a form of society that recognizes the law as its core into a security society that is driven solely by the executive.

The rule of law is in disarray. The degree of security that the executive propagates does not exist. The app published by Lauterbach with update and color codes corresponds to the monitoring system that has already been introduced in China for adequate social behavior and completely inverts freedom into its opposite, namely exclusively into bans subject to permission. What was abolished in the GDR has already been replaced by a system that the Stasi once only dreamed of.

The state authorities are currently going crazy in our society. The executive branch is so dominant that the judiciary and presumably the Senate have been pushed to the wall. The actual breach of the constitution is that the executive has become accustomed to playing through the judiciary, no matter how serious the breach of the law is.

You will all experience that the militarization of civil society, which will begin on October 1st, 2022, is intended for nothing else than to push through executive acts, no matter how unlawful, against the population. The compulsory vaccination of entire towns in Canada and Australia are prime examples of the dystopian society we are currently drifting into.

Due to the relatively neutral taking of evidence, which was based on the constituent elements of Section 17a of the Soldiers' Act, it was to be expected that the result of the taking of evidence would be of interest to us, both the statements of the complainants and the result of the taking of evidence would be heard.

The complete ignorance of the entire lecture gives a deep insight and indicates that the Senate, for whatever reason, only sees itself as the executive organ of the executive will, no matter how high the hurdle of breaking the law is.

The bad pretense that the members of the Senate in the hearing procedure do not offer the guarantee of being able to conduct and decide neutrally and objectively the procedure of the hearing complaint was made and cannot be dismissed out of hand.

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Lawyer