W i l f r e d S c h m i t z

Lawyer

Selfkant, July 18, 2022

In the military complaints process

of the Lord … - AZ. BVerwG 1 WB 5.22

and of the Lord... - AZ. BVerwG 1 WB 2.22

for each complainant respectively**requested:**

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1. to continue the procedure according to § 152 a VwGO

2. Annul the court's decision of July 7, 2022 and grant the complainants' motions (in the version) of June 26, 2022.

Reason:

According to the clear version of § 152 a para. 2 sentence 1 VwGO, a hearing complaint is to be raised within two weeks after knowledge of the violation of the right to be heard, whereby the prevailing case law for the beginning of the two-week period of a hearing complaint is based on the actual knowledge of the infringement of the right to be heard.

As part of the oral announcement and justification of the decision of the adjudicating senate on July 7, 2022, the complainants and their representatives actually became aware that this senate actually ignored their entire presentation and the clear results of the taking of evidence, i.e. did not “hear” them.

The right to a fair hearing is not already guaranteed if a trial court has received optical and acoustic signals throughout the entire procedure, which it was then unable to process to any extent. The right to a fair hearing is evidently infringed when statements by the complainants that are relevant to the decision and even clear results of the taking of evidence, which have impressively confirmed the statements made by the complainants, have ultimately been completely ignored. The scornful laughter of the audience at the announcement on July 7th, 2022 has already impressively confirmed this.

It was made very easy for the Senate to find the only possible decision that is consistent with the factual and legal situation.

The program of evidence, which ultimately results from § 17 a SG, was and is ultimately very manageable. The complainants' submissions may in some cases have raised very complex questions, but basically these proceedings have not raised any really difficult legal questions.

1.

The complainants have conclusively explained and proved that these Covid-19 injections are not reasonable within the meaning of Section 17 a (4) sentence 2 SG, as they are associated with considerable danger to life and (!) health.

The presentation on this runs like a red thread through the entire presentation of the complainants.

In this regard, the content of the brief by Prof. Dr. Martin Schwab of June 3rd, 2022 and the content of Annex BV-MS 66 submitted by him with a "Selection of case reports after Covid-19 vaccination", but also referred to the brief of colleague Tobias Ulbrich of June 19th, 2022.

The presentation by colleague Ulbrich on June 19, 2022 on the principle of risk exclusion in aviation, which is much stricter for members of the air force, should have prompted the Senate to meet the requirements of Section 17 a (4) sentence 2 SG to affirm.

And it really doesn't need any further clarification that not only the lives of soldiers are in extreme danger when a Bundeswehr aircraft crashes over a populated area due to a "vaccination"-related impairment of consciousness of a Bundeswehr pilot.

It is incredible that the judges of a federal court could ignore such clear findings and evidence as well as legal requirements.

No one can seriously deny that these Covid-19 injections are associated with very serious dangers and risks to the life and health of all "vaccinated" people and that these dangers and risks have already materialized hundreds of thousands of times in Germany.

New horror reports about serious side effects and the associated stories of suffering are published every day, for example in an article on the SciFi portal from July 13, 2022 on 150 studies “on supposedly very rare serious side effects”, see:

https://sciencefiles.org/2022/07/13/how-thick-is-your-fur-150-studies-on-allegedly-very-rare-severe-side-effects-that-are-so-common-that- one-rarely-needs-to-redefine-200-stories/

Admittedly, this did not interest the Senate in the slightest. Rather, the presiding judge Dr. Häußler in the context of the oral justification of the judgment - completely detached from the clear legal wording of § 17 a para. 4 SG - in this context something about questions of proportionality, according to which these injections with regard to the associated objective and taking into account the special circumstances in the Bundeswehr are proportionate, i.e. suitable, necessary and also appropriate.

The unambiguous wording of Section 17 a (4) sentence 2 SG was thus completely ignored. Here the legislator has already clearly defined where the limit of proportionality is.

Admittedly, this did not interest the Senate in the slightest. In truth, he did not listen to the lecture.

2.

A soldier who, knowing these facts, agrees to a Covid-19 injection would not only be “grossly negligent”, but at least approvingly and thus willfully accept that his health would be severely and permanently impaired. This obviously violates his duty to maintain health according to § 17 a paragraph 1 SG.

Admittedly, this did not interest the Senate in the slightest. In truth, he did not listen to the lecture.

3.

The complainants have further conclusively explained and proved that and why these injections evidently constitute an encroachment on the soldiers' right to life, so that the citation requirement under Section 17 a (2) sentence 2 SG is not even observed here. The violation of the citation requirement cannot be denied. Even the case law of the Federal Constitutional Court has confirmed that these Covid-19 injections can have deadly side effects.

Admittedly, this did not interest the Senate in the slightest. In truth, he did not listen to the lecture.

4.

The complainants have conclusively explained and proved that "medical measures" that cause more harm than good cannot be "medical" measures within the meaning of Section 17 a (2) sentence 1 SG.

Contrary to the opinion of the Senate on July 7th, 2022, the constituent element "medical measure" can also be interpreted, because otherwise everything would be to be understood as a "medical" measure that violates all internationally recognized ethical principles of doctors, as long as the measure of performed by a doctor.

However, compliance with professional duties and in particular the principles of the Nuremberg Code is not available to any doctor anywhere in the world.

The same applies to the judges of a federal court, who are bound by Article 1.3 of the Basic Law and Article 20.3 of the Basic Law by fundamental rights and by the law.

We have pointed out that our objections to this vaccination requirement for soldiers, which we derive from the Basic Law and European and international law, have been fully confirmed by KRiStA - the "Network of Critical Judges and Public Prosecutors neV", see:

https://netzwerkkrista.de/wp-content/uploads/2022/03/Netzwerk-Kritische-Richter-und-Staatsanwaelte_Stellungnahme-Impfpflicht_Gesundheitsausschuss-21.3.2022.pdf

On July 7, 2022, the adjudicating Senate did not provide a single conclusive argument with which these objections would have been dispelled. Nor are there any counterarguments to these objections.

This duty of tolerance and vaccination of the soldiers evidently violates the basic rights and articles of the ECHR and the UN Civil Pact mentioned in the above-mentioned KRiStA article.

Admittedly, this did not interest the Senate in the slightest. In truth, he did not listen to the lecture.

5.

The complainants have conclusively explained and proven that these Covid-19 injections evidently serve neither to prevent nor to combat communicable diseases, so that not even the requirements of § 17 a (2) sentence 1 SG are met.

The data botch by RKI and PEI strongly confirms that these authorities are in fact very well aware that this is the case.

In addition, these authorities must also have heard about the data manipulation by Pfizer for the allegedly high effectiveness of Comirnaty, which colleague Tobias Ulbrich addressed in his brief of June 19, 2022. What even we lawyers can find out that such a specialist authority, which only deals with such things, must know all the more.

The questioning of the experts from the RKI and PEI on the 2nd and 4th day of the hearing confirmed for everyone who attended these questionings that the way these authorities work not only violates legal obligations, but is also sometimes so poorly and downright clumsy organized that that these authorities do not provide the public with any valid or reliable data on which to base a "vaccination" campaign or even a "vaccination" obligation. This fact became abundantly clear, even though the presiding judge, particularly on the 4th day of the trial – recognizable to any observer of the trial – tried very hard to limit the questioning of the statisticians of the PEI.

In this regard, I refer to the relevant presentation by the complainants, in particular to the brief by Prof. Dr. Martin Schwab of July 1, 2022, my brief of June 22, 2022 and the contribution of Dr. Hans-Joachim Kremer on tkp.at from July 7th, 2022:

https://tkp.at/2022/07/07/political-judgment-tolerance-of-the-covid-vaccination-at-deutscher-bundeswehr-zulaessig/

In order to avoid repetition, reference is made to the content of that article, which makes it the subject of this complaint.

Since the experts Prof. Dr. Werner Bergholz and Prof. Dr. Christof Kuhbandner will comment on their own impressions from the survey of PEI representatives, I assume that Prof. Dr. Martin Schwab will process their statements as part of his own complaint about the hearing.

In any case, this "institutionalized deception" by the RKI and PEI has long been so obvious to every critical observer that many articles have already appeared on it, especially on corona-blog.net and tkp.at, but also on the Rubikon portal, most recently on July 16. 2022, see:

https://www.rubikon.news/artikel/institutionalisiert-tauschung

There is now a new meta-study that shows the largely ineffectiveness of C19 vaccinations against earlier variants, see:

https://tkp.at/2022/07/15/neue-meta-studie-shows-the-large-scale-ineffectiveness-of-c19-vaccinations-also-against-earlier-variants/

A new study shows that boosters delay the end of infection, see:

https://uncutnews.ch/neue-studie-covid-booster-verzoegert-das-ende-der-infection-erheblich/

With such sources we could go on indefinitely. But as I said: Apart from this discerning Senate and the respondent's obviously totally failing leadership, everyone has long known that these Covid-19 injections do not offer any effective protection for themselves or others against infection with any variant of the SARS-CoV2 virus but have proven highly effective in promoting health complications, including death.

Admittedly, this did not interest the Senate in the slightest. In truth, he did not listen to the lecture.

6.

Finally, it follows directly from Section 17a(5) SG that the soldiers' consent is required if the requirements of Section 17a(2) SG are not met.

The Respondent himself submitted that he had the soldiers sign a declaration of consent before these Covid-19 injections, so that he clearly assumed that effective consent was necessary.

It is undisputed that the soldiers of the Bundeswehr are not properly informed about all relevant aspects of these Covid-19 injections, especially not about the fact that they are actually taking part in a study and how dangerous these injections are.

It is undisputed that since November 2021 (at the latest) - up to and including disciplinary and criminal proceedings - the soldiers have been massively forced to have these Covid 19 injections, which is not permissible, even taking into account the Nuremberg Code. The Senate would have had to hear the soldiers named as witnesses if it had seen a need for clarification – despite the unambiguous factual presentation that remained undisputed.

Admittedly, this did not interest the Senate in the slightest. In truth, he did not listen to the lecture.

7.

In addition, reference is made to the entire submission of the complainants.

The entire oral justification of the adjudicating Senate of July 7th, 2022 did not indicate that the adjudicating Senate was able or willing to deal with these compelling arguments against the soldiers' duty to tolerate.

All of this did not interest the discerning Senate in the slightest. In truth, he did not listen to the lecture. The objection to the hearing is therefore justified.

The members of the Senate who dismissed the applicants' motions should dismiss themselves as biased so that they no longer rule on this hearing complaint.

The court is thus asked to proceed with the process and to rehear the case, taking into account the full submissions of the applicants and the results of the taking of evidence.

I am on my annual leave until the end of July 2022.

Schmitz
Lawyer