

Wilfred Schmitz

Lawyer

Selfkant, July 9, 2022

In the military complaints process

of the Lord ...

AZ. BVerwG 1 WB 5.22

and

of the Lord ...

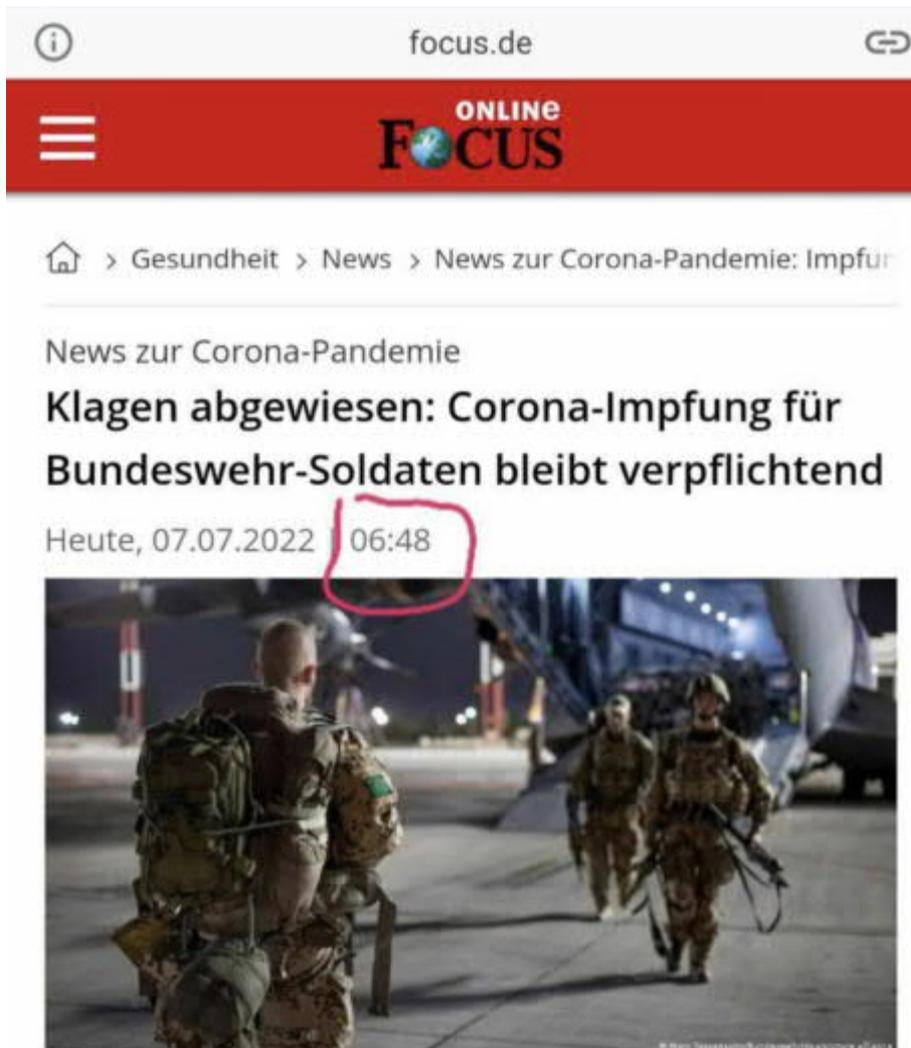
AZ. BVerwG 1 WB 2.22

For both complainants, I agree with the statements made by colleague Ulbrich in his brief of July 8, 2022.

I would also ask all members of the Senate to immediately send me an official statement on the question of whether and, if so, with which people outside of the Senate they will be with in the period from July 6th, 2022 at 6:00 p.m. until the announcement of his decision on July 7th, 2022 at 11 a.m. spoke about these military complaints, regardless of how this communication was carried out and where it took place.

If there were such conversations, I ask that you inform me of the exact circumstances (place, time, communication channel), the names of the people involved and the exact content of these conversations in the context of this requested statement.

The background to this is the fact that FOCUS Online reported on July 7, 2022 at 6:48 a.m. about the Senate's negative decision for the complainants.



In the **attachment** I hand over a screenshot that I took after googling the headline “Focus Online lawsuits dismissed: Corona vaccination for soldiers remains mandatory”.

The link to this article can still be found below <https://www.focus.de>. The time “06:48” is also found there.

If necessary, we can also submit a more detailed analysis of this net find.

If you click on the link to the aforementioned article, a different article will actually appear. Apparently, the aforementioned article was removed, just as if they wanted to cover up the lapse.

Against this background, the complainants' camp got the impression that the presiding judge, Dr. At the end of the 4th day of the hearing on July 6th, 2022, Häussler simply told the untruth when, at around 6:00 p.m. - and thus at the time at which the announcement of a decision was originally intended - he informed the parties involved in the process and the public that the Senate had to continue to deliberate the following day and could therefore only announce a decision on the following day around 11 a.m., which in the given context could only mean that the Senate had not yet come to a final decision on the fourth day of the hearing around 6 p.m. due to its previous deliberations had reached.

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So it was expressly not mentioned that the Senate will continue to consult on the 4th day of the hearing. That would be extremely unlikely after such a long day of negotiations.

The judging Senate will certainly not want to tell anyone that on July 7th, 2022, before 6:48 a.m., they consulted so early that they were able to find a decision so early and transmit it to third parties so that it could leak out to press representatives at such an early stage, so that they could announce the decision of the Senate online on July 7th, 2022 at 6:48 a.m. with the words "claims dismissed".

Let's face it here that the quality journalism of the Focus allowed the blunders to describe the complaints of the complainants as "complaints".

It should also be taken into account that Focus Online still had to write the article published at 6:48 a.m.

What is particularly irritating here is not only the fact that the Senate's decision was first announced to third parties (outside the Senate) and only then to those involved in the process and the public present in the hall.

Well, from the point of view of the complainants, it is extremely irritating when a senate of the Federal Administrative Court makes public statements about such an important matter on July 7, 2022 at around 6 p.m. that cannot be correct against the background shown above.

It is also hardly credible when the presiding judge Dr. Häussler explains on July 7, 2022 at around 6 p.m. that the Senate still has to deliberate further just so that it can surprise the complainants and their representatives with a decision on July 8, 2022, the reasoning of which is formulated as if the Senate in truth only determined to completely ignore the entire submission of the complainants and also the entire results of the taking of evidence, so that he can announce a decision that sounds like a statement from the press spokesman of the red-green federal government to justify the "anti- Corona Policy" from the last 27 months.

It is hard to imagine that a senate of a Federal Administrative Court had to struggle for so long to be able to write such a superficial and inadequate reasoning.

In any case, a court does not have the function of supporting the completely failed policy of the federal and state governments in the last 27 months, so that it does not become very embarrassing for those responsible in politics and in authorities such as the RKI and the PEI.

The refusal of the adjudicating Senate to appropriately use the results of the taking of evidence could be inferred from every sentence of its justification on July 8, 2022. The partly outrageous statements made by the representatives of the PEI, which the public in the room received partly with stunned astonishment and partly with laughter, clearly revealed a total structural failure of the PEI. Completely unimpressed by the result of this taking of evidence, the adjudicating Senate considered the data from the PEI to be "valid" across the board.

The fact that the Senate avoided dealing with the content of Section 17 a (4) sentence 2 SG and actually replaced it with a proportionality test was particularly shocking. The Senate must have recognized that these Covid-19 injections pose a very serious risk to the life and health of all soldiers, not only on the basis of the complainants' presentation, but also in view of the shockingly high number of suspected deaths.

And these are just two examples of dozens of argumentative blunders by the discerning Senate.

Such a superficial and meaningless justification, which completely ignores and turns upside down the complete presentation of the complainants and the clear results of the taking of evidence, could easily have been put into words by the Senate on July 7, 2022 until 6 p.m.

With regard to further legal remedies, I would like to take this opportunity to point out that, once we have received the official declarations requested here, we may ask the judges of this Senate whether they would prefer not to declare themselves biased right away, so that the way can be cleared can for judges who are also up to the importance of this case.

We would first like to wait for the official opinion of all judges before we file a motion for bias, which is intended to prevent the Senate from making another wrong decision with serious consequences in these military complaint proceedings.

Because this is about human life. According to its reasoning of July 8, 2022, the Senate was apparently not even able to grasp this fact.

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