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Opponents of the Gaza genocide successfully defend themselves in German courts



Ahmad Othman at the Palestine Congress in Vienna [Photo by Stefanie J. Steindl /PalästinaKongress]

While ministries, authorities and police are stepping up their repression across Germany against opponents of the genocide in Gaza, two genocide opponents in the Ruhr region have successfully taken legal action against their persecution.

On Thursday last week, the Dortmund Labour Court declared Ahmad Othman's dismissal unlawful. The activist had been sacked by his employer, the state of North Rhine-Westphalia (NRW), because he had been involved in the Palestine Solidarity Duisburg (PSDU), which was banned by the North Rhine-Westphalian Interior Ministry under Herbert Reul (Christian Democratic Union, CDU) on May 16 last year.

Just one day later, the Duisburg Regional Court dropped the case against Jamal A., who had been accused of “condoning criminal offences,” in reference to the Hamas attack on October 7, 2023.

Ahmad Othman was one of four whose homes were searched by the police and the Office for the Protection of the Constitution (as the secret service is called) on the day the PSDU was banned. He has already described the political significance of his trial in an interview with the WSWS: “I know that it’s not just about me. If I lose, we all lose.” He therefore wanted to use all legal means to get his job back.

His dismissal by the state of NRW was based solely on the ban on the PSDU by the same state of NRW. The State Office for Quality Assurance and Information Technology in Teacher Training (LAQUILA), for which he worked, accused him of speaking out against the genocide in Gaza and the oppression of the Palestinians by the Israeli government.

When the PSDU was banned, the WSWS had already explained that the ban criminalised any criticism of the Israeli genocide in Gaza and the German government’s pro-war policy. It was a “blueprint for a police state” and “harked back to the repressive methods of the German Empire and the Nazi dictatorship.”

After the current trial, Ahmad confirmed that the LAQUILA management had not criticised his professional work in any way. The only grounds for his dismissal were his expressions of solidarity with Palestine, his alleged “unconstitutional views” (due to his membership of the PSDU) and his legal action against the ban.

Ahmad had already been suspended in June 2024 and was dismissed with effect from December 31, 2024. He had filed an action for unfair dismissal against this. The trial has now revealed that the LAQUILA management obviously believed it could get away with anything after the PSDU was banned. While accusing its employee of behaving “unconstitutionally,” it had itself disregarded fundamental legal rules.

For example, labour judge Wolkenhauer found that the Staff Council had not been properly informed of the dismissal. The authority was unable to provide minutes of a staff meeting with Ahmad, but the letter of dismissal referred to this. It was therefore unclear whether and what information was available to the Staff Council.

Ms. Melzow, head of the Central Services staff unit responsible for personnel issues, who is also a member of the Staff Council, said that she had informed the Staff Council verbally. The council had “no objections” to the dismissal. When asked by the judge, she could not even say how many members the staff council had.

The judge did not share Ahmad's fear that his dismissal was tantamount to a professional ban, and said he believed Ahmad could very well work in the private sector. The notice of dismissal implied that he might use his position as an IT worker to misuse a company network for personal purposes—a blatant warning to future employers.

Ultimately, the labour judge ruled that the dismissal was unlawful due to the lack of evidence that the Staff Council had been correctly informed. At the same time, he made it clear that he also considered an internal transfer of Ahmad to be possible. In response to LAQUILA's reply that the office was very small, the judge replied that the state of NRW was the employer and as such was very large. However, the state's representatives and lawyers categorically refused to continue his employment.

Ahmad has not received a salary since January as a result of the dismissal. He received a three-month suspension from the employment agency because LAQUILA had informed it that the dismissal was for behavioural reasons. This was not true; the dismissal was for personal reasons. This is another way in which the state authority is trying to subject Ahmad to repression.

There are many indications that LAQUILA will lodge an appeal and possibly follow up with a new dismissal. For the time being, Ahmad remains on leave until further notice and the state must continue to pay his salary. The proceedings are likely to continue for some time.

The success at the Dortmund Labour Court is therefore only a partial success. The fight against genocide and war and the defence of democratic rights requires the mobilisation of the working class on the basis of a socialist programme. Nevertheless, the legal success is significant. The state of NRW has failed to summarily throw Ahmad out on the street because of his political convictions.



Jamal at the pro-Palestinian demonstration in Duisburg on October 9, 2023

One day later, Palestinian Jamal A. was also successful in his appeal before the Duisburg Regional Court. He was charged with supporting and condoning criminal offences (by Hamas) and was also convicted by the lower court.

Jamal A. was in Duisburg on October 9, 2023, two days after the Hamas attack, at a demonstration in support of the Palestinian liberation struggle. There were almost more media representatives than participants at this demonstration, which was organised on short notice. All public service media, private broadcasters and above all the right-wing Springer press pounced on the supporters of Palestine and raged wildly against them.

In many other cities, too, there was not a single demonstration in those first few weeks where a camera crew from RTL, Spiegel Online, *Welt* and other media outlets did not appear and ask the opponents of the oppression of the Palestinians why they were supporting or even celebrating Hamas terrorism, only to denounce them afterwards.

Here began the now widespread nationwide denunciation of opponents of genocide as “antisemites” in order to lay the groundwork for prosecuting any opposition to war, genocide and their consequences—such as redundancies and social cuts.

Welt reporter Petra Wagener also harassed Jamal on October 9, 2023. She did not ask him why he was taking part in the demonstration but brazenly accused him of “celebrating” the deaths of Israeli women and children. Jamal rejected this but was repeatedly pressured by Wagener until he said, “If you want to free yourself, everything is legitimate.” *Welt* interpreted this statement as support for the “kidnappings and murders by Hamas” and the Duisburg public prosecutor’s office subsequently brought charges against Jamal.

While Jamal was found guilty in the Duisburg District Court, and sentenced to 40 days imprisonment, the presiding judge of the regional court, Behmermann, dropped the case after a relatively short hearing in exchange for a fine. Jamal and his lawyer referred in court to other interviews in which he had spoken out against violence and in favour of peace between Jews and Palestinians, including an interview with *Heute Journal* and the WSWS.

Judge Behmermann explicitly referred to the reporting of the Springer press. It was “not surprising” how reporter Wagener had proceeded, the judge said. The Springer press was known for its pro-Israeli reporting. “She wanted [you to say] the sentence that you then said,” the judge said, addressing Jamal. She was probably “even pleased about her journalistic success.”

He also recognised Jamal’s personal background, having fled to Germany from Palestine as a teenager. “I know your life story as it is described in the files. You are also visibly agitated in

the interview. You must be seething like a volcano.” He discontinued the proceedings on this basis in return for a payment of €1,000 to the charity Kindernothilfe. “I can live with that,” said Jamal, who would have liked to have paid the money to children in Gaza.

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