

Ella - a documentary film against the lies of the police and the judiciary

Everything spoken in the film is translated into english here:

„This is the story of a lie. Or rather: a whole series of lies. A fairy tale, as it is almost always written when the power of the state meets the protest of the people, who no longer want to accept that the resources of all are used for profit interests and the advantages of a few.

On 30.9.2019 activists occupied the route of the planned A49 in the Dannenröder forest. They wanted to prevent the clearing of valuable tree stands and send a loud signal for a real traffic change. For a year, imaginative actions, the construction of more and more tree houses and much more characterised the protest, which made national headlines and shook through the car country Germany. But the concrete-lobby would not give up. On 1 October 2020, the state attacked. Tree by tree, the squatters were brought down - sometimes more, sometimes less gently. On 26.11.2020 they stood in the tree house village "Nirgendwo" and there, among many others, they met ... Ella.

Ella - that is the name of the unknown person No. 1 who is in pre-trial detention in Frankfurt-Main Preungesheim since 26.11.2020. Until now, the police, the public prosecutors and the courts have been unable to find out either her name or her origin. Nevertheless, or rather because of this, they are making an example of her as a deterrent*¹. The slogan is clear and is directed at all those who get in the way of profit and power interests: We have the upper hand. We decide what happens. Silence is the first duty of citizens. What this should look like in practice was shown by the armada*² of masked special forces right at the beginning of the eviction day at the kitchen platform of the Village „Nirgendwo“.

It could have happened to anyone and everyone. Because the accusations are completely made up. Not only do the people who witnessed everything live know this, but the videos taken by the police themselves also show this. They were disregarded in court in order to maintain the construct of lies. Whether creative or well-behaved, non-violent or militant - when the state is looking for a victim, any person will do. Because the accusations are freely constructed. This is what happened in Hambacher Forest, in the fight against genetically modified crops, when accidents involving pregnant women and small children were invented during Highway blockades where people were hanging down from bridges with ropes, and in many other places. No one is safe. It hits by chance. But it hits. This time it hit ... Ella.

In the meantime, the Alsfeld Local Court has made a sentence: 2 years and 3 months imprisonment. Ella is still in pre-trial detention*³. There will be an appeal hearing at the district court in Gießen. But all this busyness only obscures what has happened here - and so often happens in the conflict between state power and social movements that are not content with a supporting role of lamenting the seemingly unavoidable, but stand in the way of destruction and exploitation. Ella is a random victim, chosen by the armed arm of state and capital. It is meant to distract from the real interests - in this case, the continuation of a climate- and environment-destroying transport policy, the ruthless pushing through of infrastructures desired by corporations/companys and their own violence in breaking the protest.

This film shows what really happened. Even though there is no such thing as absolute truth, because people always perceive according to their pre-expectations, the lie about Ella is unusually well documented. The police themselves videotaped the events with many and mostly very good cameras. In addition, there are written transcripts of the interrogations*⁴ immediately after the event, which was redefined as attempted manslaughter*⁵ in order to lock Ella up and to intimidate/frighten the movement. This film shows some of these videos. They come from the police and were available to the public prosecution*⁶ and the court. In

*¹ deterrent: DE: „Abschreckung“, to threaten other activists/ movement with high penalty/punishment; to scare other activists/ the movement with high penalty

*² crowd of people pursuing a common goal (originally the word was used in the context of war)

*³ DE: „Uhaft/ Untersuchungshaft“ english synonymes: remand detention; you are kept in prison eventhough you are not sentenced yet, or you appealed against the sentence, to ensure that you go to the trial, or that you don't destroy evidence etc...

addition, there are videos of participants in the forest occupation - and recordings of a magnificent reenactment of the events*⁷ on 9th July 2021 in Wiesbaden.

This re-enactment forms the thread running through the following report, because the events were (as good as possible) exactly re-enacted and commented on there, based on the available evidence. It was recorded with several cameras. At the important points, the original material from the Dannenröder Forst is inserted and compared with the files and the sentence. It will become clear that the police broke up an assembly without breaking it up formally; They attacked Ella, not the other way round - several times. All the SEK officers were always double-secured, the alleged/ claimed danger to life was invented. Not once did Ella hit an officer's head with her foot - and she didn't have black hiking boots on those feet either.“

Part 1 from the eviction re-enactment in Wiesbaden with the original voice of the commenting person:

*„So we would now like to invite you all on a little journey through time. We will travel back in time to November 2020 in the Dannenröder Forest. For two months now, the occupations in the Vogelsberg forests have been evicted and cleared. Herrenwald and Maulbacher Wald are already flat and the route is "eating" its way through the forests there. Two weeks ago, "Team Blau" marched into the Danni and started to attack it. The eviction is already extremely brutal here, in the south a safety rope on a tripod was cut, one person fell down, several metres and suffered several spine fractures. In the north, a skypod rope was cut and only by luck did the person remain in the trees. Also in the north, at a height of 25 metres, the police used a Taser against people who were unsecured on the platform. Death threats by police officers, trees with people on them were cut partly, ropes were cut. We are now in the tree house village "Nirgendwo", which was a core part of the Dannenröder forest occupation, it was very well defended, many tree houses and other structures were there in the trees. As one of many people, Ella was also there during the eviction. On 26.11.2020, Ella was evicted from the trees here and has been in pre-trial detention ever since. She is accused to have kicked an SEK officer in the head, putting his life in danger, namely in danger of falling 15 metres. A investigation for attempted manslaughter was initiated immediately. The attempted manslaughter was then dropped at some point, leaving attempted dangerous bodily harm, resistance and assault on law enforcement officers. After 6 months of pre-trial detention, Ella was sentenced to 2 years and 3 months imprisonment at the Alsfeld Local Court. And that was the goal from the beginning. To make an example and to construct a strong deterrent. That was the intention. July 2020, 6 days of hearings at Alsfeld Local Court, the only witnesses were police officers, the SEK officers appeared in court fully masked and without revealing their identity. They all recited a rehearsed story, it seemed like a rather hackneyed game/ intriguingly colluded/ there was a secret plan on the disadvantage of someone. Namely, with the aim of constructing a heavy sentence. The court seemed completely passive, rejected the defence's motions of evidence*⁸ and the judge looked rather uninvolved until he completely lost it during the sentencing and sentenced Ella to a heavy prison term. There was not only the witness testimony, but also 50 hours of video material of Ella's eviction. Most of the videos came from the police themselves. We watched some of them in court during the main hearing and the judge refused to introduce most of them into the main hearing [translator's note: misrepresentation, videos were watched but interpreted differently]. But we watched them as a video team and evaluated them. Using these videos, a theatre group has now re-enacted the eviction. We have Ella as the protagonist, there in the black adidas jacket on the Walkway*⁹. And four SEK officers, we don't know their names, of course. From left to right: K661. K432. K214. D111. We are now moving into the barrio „Nirgendwo“, second day of the eviction, hundreds of SEK officers are there, several Cherrypickers, many people in the trees including Ella and it is really wild. In three days this big tree house village will be rocked down and cleared. The scene here, the eviction of Ella, doesn't take place at this height but at a height of 15 metres. We did it further down so that you can see it better. So we are up in the trees now, the SEK's are trying to evict Ella and it starts. Ella moves on the Walkway towards the first tree, officer K661 reaches the tree at about the same time. Unlike here, they used crampons ("Steigeisen") there, we don't do that to avoid damaging the trees. And without communicating, he grabs Ella's foot and pulls on it. At a height of 15 metres, I don't know about you, but I would be panicking up there right now.“*

„And this is what it looked like in real life, filmed by the police. The camera first captures Ella as she climbs out of the tree house onto the Walkway to move to the nearby tree. There then the grab of K661. It is only a brief moment, but the grip on Ella's feet is clearly visible. Shouts of protest in the background show that many people witnessed this assault live. Ella, however, escapes this initial drama and walks across the Walkway to the next tree.

In the meantime, something else remarkable happens on the ground. A person who is obviously holding one of the police cameras is asked to film the attack as Ella from now on - by one of the SEK officers, easily recognisable by his yellow helmet, who then attacks Ella, who is apparently still unknown to them at this point because she is read as male. In addition, and this is also unusual, a female officer is posted directly below the action, who takes down everything quasi live - including the claim of many kicks that, according to the videos, never happened.

The event is also strange because Ella remains alone on the Walkway for a while until another SEK officer arrives.

Was there already a plan to make something bigger out of this?

Let's see how it continues.

Part 2 from the eviction re-enactment in Wiesbaden with the original voice of the commenting person:

„Ella has managed to escape and is moving on the Walkway towards the second tree. Here the Walkways have a difference in height, so Ella does another intermediate belay with a webbing sling to overcome the height difference and climb from one Walkway to the other. At the same time, SEK officer K432 reaches the lower end of the Walkway. Ella moves to the other Walkway and has reached it and.. without communication the SEK officer grabs Ellas cowtail.. here we make a cut. Now look at this, these are the blue short belays/ Cowtails that Ella was belayed with the whole time, they are both just loose, hanging down and Ella is only belayed in the static webbing sling. Without trying to communicate, the SEK officer grabs into Ella's belay and pulls Ella down. That's pretty blatant, the SEK officer didn't check at all how Ella was secured at that point, even if there hadn't been any danger of Ella falling, when someone grabs into your belay like that and manipulates it, it triggers panic. Let's see what happens next. A fight breaks out over the short belay/cowtail, both pull on it, Ella tries to free herself and the policeman tries to pull Ella further and further down. He doesn't let go of the short belay, grabs a sling and fixes the short belay to a tree. Ella is now fixed here. Ella removes her sling and is now only belayed underneath herself. The policeman attaches his belay and tries to build a safe foothold. Ella uses this time to free herself, escapes and is grabbed by the foot again. Second blatant attempt to grab her and Ella escapes again. Twice fully hooded uniformed men grab Ella's feet and try to pull her down without communication.“

And back to the original: Ella reaches the next tree and pauses to secure herself to the tree to move to the other side. K432 reaches her and suddenly grabs her foot. Ella, however, is able to climb around the tree first and wants to escape on the other side. That's when K432 grabs her once more. Again a direct attack at a height of 15m - and now even a long scuffle follows, during which the SEK officer keeps tugging at Ella's safety ropes. THAT is attempted murder! And for K432 there is no question of resigning from the attack without penalty, because he did not let go of his actions, but Ella freed herself!

At the latest now she must have realised: They are putting my life in danger - not the other way round! Unlike Ella, K432 was double-secured, as the regulation^{*10} also states, and therefore could not fall. The police videos prove this very clearly.

Let's look further into the police video. It is unedited/ unshortened. You can see how the SEK officer restrains Ella, but she is able to secure herself and then release the restraint. The SEK officer will later lie about having been kicked several times, also in the head. The police videos prove it: He put Ella in danger. There is not a single kick against him, no attack at all – this all was freely invented afterwards.

At the end, the SEK officer tries again to catch a foot, but then gives up. There was no kick.

Ella escapes and runs across the traverse to the next tree. There K214 is already waiting for her. He has time to secure himself - and does so. His belay is also clearly visible – especially for Ella who is just a few meters away and can exactly look on this area. However, he will be the officer who will talk in court about being scared to death because of allegedly not having a safety device, who claims to have been hit several times in the head and on whose lies the pre-trial detention and the conviction are essentially based. But one after another ...

Part 3 from the eviction reenactment in Wiesbaden with the original voice of the commenting person:

„We continue and Ella reaches the next tree. So let's take a quick cut here and have a look. This is the police officer K214, in court he stated that his life was in danger because of this scuffle with Ella, that he could have fallen 15 metres. We also watched it on video and compared it with the statements and the situation looked something like this: Do you see the blue short belay? It's clicked into the traverse, the same one Ella is clicked into [translator's note: it's Ella's step traverse] Even if one of the other belays had slipped, he would still be redundantly belayed in the second belay. At no point could he have fallen down, that's a downright dirty lie. And on we go. Ella moves to the next Walkway. And the next access attempt. He grabs a sling hanging from Ella's harness and starts to pull on it violently and this is where the big scuffle and the fight for the sling starts. K214 tries to get the sling and make fix it and Ella tries to get free. In the struggle he grabs the sling and fixes it to a branch and Ella can no longer move away. [Translator's note: The scene was accidentally reenacted incorrectly. Actually, Ella's kick occurs just before K214 tries to fix the sling to prevent him from doing so, not just after]. The police officer stated in court that he had received a kick to the head [translator's note: he actually stated that he had received a kick to the face] and was therefore in danger of falling 15 metres. This was never the case because of the safety belay, it is even disputed whether this kick hit [translator's note: the kick did not hit]. The policeman stated that he had sustained a dislocation in his neck shoulder area as a result of this evasive movement. When did this injury occur? Ahh several days later, what did the policeman do in the several days until then? He was evicting other people out of the trees. How can you then say that this movement was the cause of the pain? 4 days later the injury occurred, manifested itself, all the adrenaline was released and only then did he notice the injury and was still active in the trees for 4 days. After his examination on the next day of the trial to certificate occurred, that was also dated 4 days later and all relevant data was blacked out.

And on it goes. A second SEK officer, D111, also climbs the tree and tries to support K214 and the scuffle about the bandsling goes on and on. Ella tries to free herself and the policeman tries to prevent this. He takes a cambium protector from his belt and hits Ella's hands with a metal ring. Police announcement: "To the person in the black Adidas jacket, stop kicking the officer immediately... [there were several of these, later also with the threat of a Taser]" The officer keeps pulling on the sling and pushing it further and further down on the branch until the sling is so short that Ella can no longer stand up but is hanging in the harness. This is problematic for several reasons, one and this is the less important reason is that the person is now fixed at a height of 15 metres and can no longer move away from it, and the more important reason is a medical reason, because this is life-threatening. When Ella is hanging in the harness like this, the harness constricts the blood in her legs, which is building up. The blood loses more and more oxygen and after 10 minutes such a situation in the harness [with immobility] becomes life-threatening. If the oxygen-depleted blood rushes back when the pressure is released, it is tantamount to death by asphyxiation.

What does he do now? He tries to tie Ella's feet. I don't know what was going on in Ella's mind at that moment but I would have feared for my life. The beatings and the attempt to tie her feet continue, meanwhile the other officer D111 has already climbed over Ella and starts to set up a rope system to let Ella down. At this point Ella is already unable to get up. Now the officer also tries to tie Ella's

hands, but it is completely unclear why. And from this point on, this mission could be called a rescue mission, because without help, Ella is exposed to inevitable death.

D111 pulls Ella towards him and fixes Ella's short belays/cowtails to the tree. The yellow triangle there is called a rescue nappy, which is a kind of rescue harness that the officers now try to put on Ella to let her down. In between Ella is hanging upside down.

Cut. [in the video there is a the claimed knee-kick] This officer D111 with the white helmet has stated the following situation as a knee kick that hit him in the face. In the initial interrogation, immediately after the eviction, it was said to have been a knee-kick on the nose. A few days later it mutated and led to a haematoma on his cheek. The alleged knee on the nose caused a haematoma on the cheek. In court, the witness did not remember anything at all and dismissed it with "oh, that won't have been so bad, it might have hurt a bit at the nose". He didn't want to remember the haematoma at all, which must have been a misunderstanding. Nevertheless, the sentence will be based on it.

Ella is hanging in the rescue triangle, the rope is installed. Ella's safety devices are cut, Ella is brought to the ground and arrested.

This is the start of now seven or almost 8 months in jail.

Four SEK officers climbed up the trees, tried to pull Ella down by her feet several times, beat her.

Four Cherrypickers were also nearby, why weren't they used? The officers were brought down with a lifting platform. Why didn't they do that with Ella?"

And now again in the original: From several videos by the police and outside observers of the decisive scenes with the SEK officers K214 and D111. The scene is too long to be shown here unabridged/ uncutted, so three focal points are formed: The securing-ropes of the two policemen, the alleged kicks to the head and the dangers to Ella.

Let's start with the arrival. When Ella reaches the carelessly named A4/2, doomed tree, K214 has been there for some time. Quietly, he has put on a securing rope. So he is not unsecured at any second of the confrontation, consequently could never fall down. The most important charge and the main reason for their long imprisonment - a lie. It was found in the interrogation, in the indictment and was also repeated in court. The fear of death claimed in the trial was therefore also fictitious, but provided the necessary emotional pressure on the court. The security is clearly visible on the police videos - and these were available to the courts and the public prosecutor from the beginning.

There is even a matching screenshot in the court files on which exactly this security can be seen in the best possible way. More cameras captured how K214 later improved his securing - first he removed his short belay and then fixed elsewhere ... that too is more than clear.

Although the second officer only joins in the course of the scuffle, already as he reaches Ella he wasn't able to fall down anymore, because his climbing rope that goes once around the tree to give him stability was above a branch and two traverses. In addition he installs a second securing rope before he intervenes in the situation. Anything else would have been suicidal, contrary to his training and therefore very surprising. A short time later he intervenes in the altercation. His backup-security is clearly visible. Nevertheless, he later claims that a supposed knee-kick to the face, which is even in the opinion of the court not visible on the videos, could have caused him to fall down. But the court simply wiped away the fact that no knee kick was seen on the videos. The oh-so-credible witness was sufficient evidence.

The credibility had long been shaken for other reasons as well. D111 claimed to have been underneath Ella on the tree - a story that is clearly refuted by the videos, but had to be lied about in order to make a knee kick to the head even conceivable. In addition, there is an absurd back and forth regarding an injury caused by the presumably invented knee kick. The indictment had in fact alleged a haematoma on D111's cheek.

According to the file, he did not mention anything about an injury in the immediately following interrogation, an interrogating officer then noted that a haematoma had appeared on his cheek - as a witness in court, D111 then claimed to have suffered a sore nose. Apparently, the parties involved were not yet properly practised at lying. In the end, the witness and the court claimed that it had probably all been a misunderstanding.

The situation is not much different for the injury of K214, who claims to have plunged unsecured into the adventure of an arrest at a dizzy height, then to have been kicked several times and once have been hit in the head by Ella's foot, and to have felt mortal fear. The mysterious certificate, which was blacked out to prevent the attending doctor from being called as a witness, came from him. K214 continued to work for several days, climbing trees and evicting other people. The strain, which he later claims and which the public prosecutor describes as a "not insignificant" injury in the detention proceedings, he did not even notice for days. Later he will give as an explanation that the adrenaline had suppressed the pain - even at the end of the day and in the morning while eating breakfast or brushing his teeth? The certificate states the date of the injury as 27.11. In fact, K214 was at Danni again and was photographed. But although everything suggests that the strain occurred on 27.11. or, even more likely, never, it was enough for the court to blame everything on Ella, who had been in prison on 27.11.

In the court proceedings, K214 went one better and reported abrasions on his hands - despite wearing gloves, which he only admitted to wearing when asked by the defence. Were they also initially invisible for days due to the adrenaline?

During the interrogation three hours after his mission against Ella, K214 had stated that he had not been injured at all.

And so the conclusion remains: all the SEK officers involved deliberately fantasised the danger of death and embellished it with further fairy tales. The judiciary ignored all counter-evidence, including the videos, many contradictions in the files and the defence's motions for evidence. Ella became a hostage of a carry-on elite.

Then there is the question of the kicks. There are several videos documenting the entire period. Of the several kicks named first in several police protocols, then in the arrest warrant and finally in the indictment, only one is actually on the videos. All the others did not exist, they were invented in the zeal to incriminate. What can be seen is a long, sometimes more sometimes less wild scuffle. Ella was fixed to a branch by K214 with a webbing sling to prevent her escape. All of Ella's actions are directed towards one goal: to untie herself. While trying to achieve this, she on and on gets beaten, once even with a rope that has a metal ring at the end.

The outstretched foot, which was the only one left at the end of the trial, also follows exactly this goal. Quite calmly, one lie after the other was uncovered in the courtroom - nevertheless, the court considered all the witnesses credible. And in the case of the one foot movement, it maintained that it had been a well-aimed kick that had also hit and that the SEK officer could have fallen down because of the lack of a securing that prevents falling down. So the court sent Ella to jail.

The specific situation, which is only a few seconds long within an altercation that lasted many minutes, has been filmed from various sides. The police themselves made a compilation with captions and slow-motion phases. In addition, there are other videos by the police and by outsiders/ other observers.

But if you look at the videos closely, you see two things: firstly, it is not a kick, but the foot movement is done in such a way that it appears more like pushing away than a kick. This also fits with Ella's goal of pushing the SEK officer away so that she can then break free/ open the carabiner of her restraint.

Secondly, it becomes clear that the kick misses. The SEK officer, whose securing is also clearly visible in this sequence, which has been viewed several times in court, dodges and immediately continues with his attacks. A hit should have thrown the head back at the moment of impact. In fact, a continuous dodging movement can be seen. Moreover, even if contact had occurred, it would only have hit the helmet. There was neither danger of injury nor of falling. The claims in the sentence are therefore without any basis and completely disregard the available videos. K214 this and other hits in the face too - and so did D111. He confirmed his colleague's statements and also fantasised about his own danger of falling. Everything smelled like a set-up.

The foot movement towards the helmet happened at the very beginning of the confrontation, when K214 was about to attach Ella's tape sling to the branch. The aim was to get the SEK officer away from the point of attachment. In the further course, there were no more kicks. Scuffles and rather motionless pauses alternate - as described in the Wiesbaden reenactment.

Ella had good reasons to think of escaping - not only for the purpose of continuing the protest against the chainsaw massacre on the A49 route. On her way from the tree house to the place of arrest, she had been dragged by feet or safety ropes by frantic attacks from SEK officers. Now she was forced to hang in a harness. Almost her feet were shackled, further restricting her movement and thus increasing the health hazards due to blood backing up. In the end, to make matters worse, she was threatened with Taser use.

Finally D111 appears and together Ella is very gradually tied up more and more. Due to the long period she was hanging in the belt, there was a high risk to her health – which would get intensified if the tried shackling of her feet would have worked out. In the end, Ella was brought down with shackled hands and arrested.

Ella spent six months in the JVA Frankfurt-Preungesheim even before the trial. Several detention reviews and detention appeals went for her disadvantage: Alsfeld Local Court, Gießen Regional Court and Frankfurt Higher Regional Court kept repeating the same lies, which were clearly refuted by the videos they had. The start of the trial at Alsfeld District Court proved that the aim was to have the longest possible detention time as a deterrent. It was supposed to start on 8th June. Then it occurred to the judiciary that the maximum length of a normal pre-trial detention of half a year would be exceeded a few days earlier. Therefore, another court date was hastily added in May, at which everyone involved wasted their time quite senselessly. But Ella could thus continue to be locked up, because the possible pre-trial detention period is extended during the ongoing negotiations.

With the second instance, the drama seems to be repeating itself, because in a first clarification of dates, the district court proposed December - again pretty much maxing out the 6 months. Not a trace of the acceleration requirement!

The high sentence of 2 years and 3 months also follows the aim of keeping Ella in pre-trial detention. Presumably, in the end, a much lighter sentence or even an acquittal will come out - but until the last instance, the sentence will have been served. A perfidious game.

An acquittal is quite possible - for several reasons. Therefore, a look at the court proceedings and the politically motivated verdict is useful.

Ella has been found guilty on three reasons:

1. For resisting law enforcement officers (§ 113 StGB).

In order to fulfil this offence, defensive behaviour is sufficient, for example, breaking free from a restraint or an embrace. Such behaviour the videos seem to evidence.

2. For assault on law enforcement officers (section 114 StGB).

According to this, anyone who makes an act towards an officer is punished. This is also clearly proven. Ella's foot goes towards the SEK helmet. She does not hit the helmet, but the movement is in the direction of the officer, which is why this charge fits.

3. Dangerous bodily harm (§ 224 StGB)

This charge is primarily based on the lie that the officers could have fallen down. However, the videos show very clearly that the accusation is not true. The SEK officers and other police officers involved should therefore be convicted of false testimony in court, false accusation and persecution of innocent people, as well as the public prosecutors involved and the court in Alsfeld for deprivation of liberty and perverting the course of justice.

The second allegation with which the court affirmed dangerous bodily harm is the kicking with a shoe into the face itself. However, this never happened, so that this accusation is also not true.

Even attempted bodily harm is out of the question after watching the videos, because the only visible foot movement towards the head was never aimed at the face, but looks like a pushing away movement against

the helmet at exactly the moment when K214 wanted to fix the bandsling to a branch. The shoes, dramatisingly described as black hiking boots, then also turned out to be grey-blue and equipped with flexible rubber soles.

In addition, the SEK officers endangered themselves and others. They interfered dangerously with Ella's belay systems several times and stepped with their sharp-edged crampons just next to the fastenings of rope traverses several times.

For Ella, the result of all this is that an acquittal of the charge of dangerous bodily harm is overdue. However, the resistance and the assault on law enforcement officers cannot be punished either, as things stand. For both sections 113 and 114 of the Criminal Code are subject to the paragraph: "The act is not punishable under this provision if the official act is not lawful." And that is exactly the case.

Firstly, the entire police operation to clear the Dannenröder Forest was illegal.

The basis for authorisation was an order by the forestry office under § 16 of the Hessian Forest Law that the clearing area could no longer be entered in order to prevent danger during the felling work. The police referred precisely to this in their announcement before the attack on the forest village "Nirgendwo".

But §1 of the same Forest Law clarifies that the provisions of the Law may only serve to preserve the forest and its functions. The Order based on §16, however, served to permanently destroy the forest. A Frankfurt judge had also recognised this in the course of the clearing in the Dannenröder forest and therefore rejected an arrest warrant. The Alsfeld court, however, decided - as did all the courts in Ella's detention trials and appeals - that everything was in order.

It thus repeats the scandalous practice that was already characteristic of the Hambacher Forst: politics implements capital interests, the police enforces the political dictates, several activists atone for it with blood, tears and imprisonment - and in the end everything was illegal.

Secondly: the safety regulations were not respected

There are a lot of regulations for professional climbing and specifically for rescue operations. These were almost universally not followed. They range from unauthorised interference with Ella's belay systems, to the hazards of hanging in a harness for long periods of time, to incorrect positions from which to access Ella. Most striking, however, was the failure to use cherrypickers. This was apparently even clear to the prosecuting authorities, because in several statements the presence of cherrypickers was denied. The videos, however, even showed three usable devices in the immediate vicinity. This led to the most adventurous claims in the courtroom. One witness claimed that the cherrypicker should have been cleaned. Others referred to the muddy ground on which it would not have been possible to drive around. Still others said that the cherrypickers were needed in other places. The videos refuted everything as a lie. When asked by the defence how the SEK officers who had been deployed had got down from the tree again, all of them unfortunately could not remember. The defence knew: they were all taken down with a cherrypicker. This would also have been possible with Ella, at the latest after she had been restrained by K214. According to the safety regulations, a rescue by lift truck would have been preferable anyway, especially since K214 and D111 could already observe the small confrontation at the tree beforehand. As it is, however, it rather fuels the suspicion that an escalation was provoked here in order to be able to arrest a victim of deterrence.

Thirdly: The assembly was never dispersed

All the videos show several people and banners in the trees, which is even stated in the verdict. In addition, there are isolated shouts of other Aktivists from the background. Thus all the criteria of an assembly are

fulfilled. This was never dispersed. The court assumed the defence's corresponding motion to take evidence on the lack of dispersal to be true, i.e. accepted it as accurate. It is thus clear that the police unlawfully attacked an assembly - and consequently § 133 and 114 in the StGB can no longer be applied. But what did the Alsfeld District Court do? It defined the assembly as a non-assembly. A forest occupation was no longer an assembly if it wanted to prevent/block something in real terms. Assemblies are apparently only supposed to take place somewhere in the background. This contradicts established case law.
(Text insert: Bundestag document WD 3 - 3000 - 082/19 of 16.04.2019)

The court explicitly mentions in the sentence that the police deployment was lawful according to the Hessian Security and Order Law (HSOG). However, it is precisely this law that is superseded by the right of assembly - it no longer applies at all. Thus, the illegality of Ella's arrest is even apparent from the verdict itself.

In any case, the district court stands on a lonely legal position with its opinion. One day before the Alsfeld judgement, the Magdeburg Administrative Court declared on the forest occupation on the A14 route, which also consisted of tree houses, traverses and ground structures, that it was an assembly - and thus protected it from eviction. The decision was before the court in the Ella trial - but they did not care. In the meantime, the Higher Administrative Court of Saxony-Anhalt has confirmed and strengthened the Magdeburg decision. This makes it clear: the forest occupation in Danni was an assembly, Ella was a participant in an assembly, the police did not break it up and therefore illegally assaulted all assembly participants and also Ella. §113 and 114 of the Criminal Code are no longer effective. A conviction according to this is not possible. Since the dangerous bodily harm is also clearly refuted by the videos, all three conviction points are wrong. The sentence is to be set aside and Ella is to be released immediately.

With the explanations given so far, the core of what is happening has been named. There can be no doubt: The armed state power has sought and found a victim for the purpose of concealing its own and capital interests. With a freely constructed story, the "unknown person 1" has ended up behind bars for a long time. The lies and tricks are the main scandal behind which the wider interests become visible. But they were not the only outrages. A short list of the most conspicuous incidents should be added.

The decisions on pre-trial detention were particularly gravely. From arrest warrants to detention examinations to countless rejected complaints, various courts have constantly refrained from looking at the videos and blindly believed the incriminating SEK officers. Even when the interspersment of these police forces with right-wing extremists made the headlines nationwide, nothing changed. Right before the start of the first instance, the political editor and commentator of the VRM media group then incited against the accused in the Giessener Anzeiger (Newspaper). The accusations of the prosecution were presented as facts - an outright prejudgement. Some of the information seemed to have been deliberately leaked to him from the prosecution or the court. This too shows the determination of the judiciary to dispense with fairness.

In addition, the magistrate's court rejected both of Ella's chosen defence lawyers on the grounds, among others, that they were committed to opposing A49 and therefore lacked the necessary distance from the subject matter of the proceedings. The fact that the judge even belonged to a party in favour of the motorway, both locally and nationally, and that one of the jurors, as an employee of the public order office of a town in the Vogelsberg (Danni is in the region of Vogelsberg) region, acted as an authority herself, did not bother her.

During the trial, all attempts to shake the credibility of the witnesses were rejected. This included a motion to swear them in. It was thwarted by the prosecution and the court.

It was no surprise that many of the defence's motions for evidence were rejected as insignificant and therefore ignored. The fact that the court rejected an expert offered by the defence had a serious effect. The expert had examined the proceedings and had already exposed the lies in a written statement. It was

precisely this that the court did not want to know about and, in order to maintain the building of lies, rejected the expert witness, otherwise it would have been directly pointed out to the existing safeguards and the misconduct of the police.

Last but not least, the verdict is a disregard for higher courts, especially the Constitutional Court. In 2007, the Constitutional Court had ruled in a very similar case that the right of assembly had been disregarded. At that time, too, a meeting was attacked by the police and an activist was arrested. He was also accused of kicking a policeman. The Constitutional Court overturned the harsh sentence because the disregard for the right of assembly had been unlawful and therefore a resistance against law enforcement officers should not have been sentenced. This decision had also been submitted to the Alsfeld court. It took place in Gießen. The person concerned and complainant at the Constitutional Court was one of the two defence lawyers who had been rejected in the Ella trial. The scene of the crime was Giessen. The order was given personally by the then Minister of the Interior, who was on the spot. Today he is Prime Minister. His state government had the route for the A49 cleared and sent the police after Ella and everyone else. It is to be hoped that the Giessen Regional Court in the second instance will remember more precisely what crimes of justice the region has already experienced in the past. This regional court not only has to hear the appeal, it also has to decide on further pre-trial detention.

Ella's release is overdue.

Instead, according to the current law, criminal proceedings for false testimony in court, false suspicion, persecution of innocent people, deprivation of liberty and violation of justice must be initiated. However, we also wish the SEK officers, the prosecutors and the judges not to end up in prison, because unlike them we know exactly: punishment and prisons harm a society. Prisons and motorways have one thing in common: they are always and everywhere directed against humans and nature.“