

DOCUMENTATION

Fatal Shootings (Art. 6 of the Covenant on Civil and Political Rights)	
Confinement in Isolation (Art. 7 of the Covenant)	
Killings in Prisons (Art. 6 of the Covenant)	
The Manipulation of the Right to Legal Defense (Art. 14 of the Covenant)	
Criminalizing of the struggle against confinement in isolation (Art. 9 and 19 of the Covenant)	
Documentation and critical comments about the report submitted by the Federal Republic of Germany to the United Nations Human Rights Committee in November 1977 (Art. 40 of the Covenant).	

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10. The decisions of the Court regarding confinement are in accordance with the existing laws of confinement. The United Nations Minimum Rules do not pertain to this, even if they give valuable hints and elucidation."

Decision of the State Supreme Court of Stuttgart on 30.7.75 in the process against Andreas Baader, Gudrun Ensslin, Ulrike Meinhof, Jan-Carl Raspe.

1. INTRODUCTION

The present Documentation is based on the Articles of the "International Covenant for Civil and Political Rights" as drawn up by the United Nations and ratified on 3.1.76 - it is a Covenant of Human Rights to which about half of all UN member states acceded, amongst them the FRG (but not e.g. the USA, Israel and South Africa). Under the agreement all member states were duty-bound to safeguard the right to life. It contains a prohibition of torture; it demands the right to fair hearing and freedom of speech.

The UN Human Rights Committee is responsible for ensuring that member states comply with agreement.

The UN Human Rights Committee was proposed and elected by the 18 member states and consists of "Personalities of high integrity and recognised competence in the field of Human Rights" and if possible "Persons with legal experience ¹⁾ from Western states, socialist states and Third World states. Under Article 40 the Committee is entitled to ask for reports from member states about the position of Human Rights in their country. These reports are debated in public meetings. Committee members put critical questions and comments to the government representatives. The FRG submitted its first report on 25.11.79 ²⁾. The Committee debated the report in the presence of representatives of the Federal Government ³⁾. Members of the Committee put critical

questions to the representatives of the Federal Government concerning the prison conditions of political prisoners. The Federal Government had not mentioned conditions of isolation in their report although it had been obliged to do so under Article 40 II of the Covenant, to report "difficulties" in the application of the Covenant's guidelines.

Article 6 of the Covenant: What securities exist against the arbitrary use of firearms by police or army in cases of revolt, escape from prison, or arrests?

Article 7: Why is solitary confinement used, under what conditions, and for how long?

Article 9: With reference to experience in cases which were submitted to the European Commission on Human Rights in Strasbourg: How long is the remand custody? How are persons protected against inappropriately long periods of remand custody? How often is unduly long remand custody used?

Article 10: What does the Federal Government understand by "Special characteristics of the Prison" when justifying significant restrictions in the conditions of confinement in prison?

Article 14: Do the accused have enough time and opportunity to prepare their defence? Can they communicate adequately with the lawyer of their choice? How is the contact ban justified ⁴⁾, during which all contact between prisoners and defence lawyers is forbidden? When and why can a judge refuse the calling of witnesses named by the accused? Can an accused person abuse his rights to a defence?

The report states that trials can be conducted in the absence of the accused. How are these decisions arrived at? Can these decisions be appealed against?

Article 19: How can the freedom of opinion be guaranteed? Words which are not followed by violence cannot endanger national security.

1) Art. 28 para. 2 of the International Covenant for Civil and Political Rights

2) CCPR/C/1/Add. 18

3) CCPR/C/SR 92, 94 and 96

4) Compare p. 53 of this Documentation

One gains the impression overall, that the reaction by the Federal Republic to extremism is extreme in itself and cannot be justified.

The representatives of the Federal Government have not answered these questions adequately or answered them incorrectly. They promised additional information at the end of the discussion ⁵⁾. Although these were requested several times by the Committee on Human Rights they have not been submitted by the Federal Government ⁶⁾. They should have replied to the questions at the latest in their second (comprehensive) report. This was due on 3.8.83, the FRG had therefore 5 years to prepare it. Later the report was promised for the spring and then the autumn of 1984 ⁷⁾. The report has still not been submitted to date ^{7a)}. The Federal Government did not publish the criticisms raised against it by the Commission for Human Rights. It therefore disregarded one of the recommendations of the Committee to its member states. ⁸⁾

After the Committee of Human Rights had examined a number of reports submitted to it by different member states and discussed conditions of isolation several times, it issued its "General comment 7/16" of July 1982 and stated the following in connection with the prohibition of torture (Article 7 of the Covenant), "a measure like imprisonment in isolation can, in certain circumstances ... contravene the Article." ⁹⁾

The following Documentation is based on the situation outlined below:

- There are still prisoners in total isolation, in special cells, where they have been for years, some in isolation with limited association with one other prisoner, there are also three groups of 4 prisoners each detained in high security wings.

5) CCPR/C/SR 96, p.7 para.24

6) Compare e.g. Report of the Human Rights Committee 1979, p.15 para.63 as well as CCPR/C/SR 340 p.2 para.8

7) CCPR/C/SR 540/Add. 1 p.2 para.2

7a) Compare recent press release (e.g. from Sueddeutschen Zeitung) from 11.9.85, according to which the Federal Government submitted its report to the Human Rights Committee

8) General Remark 2/13 (Report of the Human Rights Committee, 1981 p.109)

9) Report of the Human Rights Committee, 1982 p.84

- The prisoners from the RAF and from anti-imperialist resistance groups fought against their isolation - by means of several hungerstrikes, after all legal measures had been exhausted. They ask for:

International control

The application of the basic guaranteed rights of the Geneva Convention, in other words, groups of prisoners large enough to permit human interaction (see Appendix 21: Hungerstrike declaration from February 1981)

The Editors

August 1985

II LETHAL SHOTS (Art. 6 of the Covenant)

- On May 11, 1952 the 20 year old communist worker PHILLIP MUELLER was shot in the back by a police bullet. Phillip Mueller took part in a demonstration in Essen which was directed against the re-armament of the ERG. No legal action was taken.
- On June 2, 1967 the student BENNO OHNESORG was killed by police officer Kurras who shot him through the back of his head. Benno Ohnesorg was standing on the side, watching a demonstration in West Berlin which was directed against the visit of the Shah of Iran. Kurras was found not guilty because of justifiable homicide.

On July 15, 1971 PETRA SCHELM was killed by a shot from a sub-machine gun which hit her beneath the left eye. She was killed during the first big hunt for members of the Red Army Faction, operation "Kora". The police were armed with sub-machine guns, teargas, walkie-talkies and bullet-proof vests. First aid was not given to her. The police assumed that they had shot Ulrike Meinhof. At the end of July 1971 the Public Prosecutor in Hamburg stopped the preliminary proceedings because the police officer had acted in self defence.

GEORG VON RAUCH, who was born 12.5.1947, was shot on December 4, 1971 during the search named "Trotting Race" in West Berlin by a police officer in plain clothes, named Schulz. During a vehicle-control search Georg von Rauch and 2 of his companions were asked to stand against the wall of a house with their arms raised and their faces to the wall. He was unsuccessfully searched for weapons. When Georg von Rauch looked to the side a bullet hit him from a distance of 1 meter through the right eye and went out again through the back of his head. No first aid was given to him.

On May 26, 1972 the Attorney General Severin, Berlin, dismissed the case with regard to the charge "against unknown employees of the state of West Berlin for the murder of Georg von Rauch" brought by the widow and the parents of Georg von Rauch. Of the CID officer Schulz it was said: "The behaviour of the officer was justified under the viewpoint of self defence (53 StGB)".

THOMAS WEISSBECKER, born in 1949, was killed on March 2, 1972 during an observation and special action in Augsburg. He was shot through the heart from a distance of 2 meters. First aid was not given.

On April 21, 1972 the lawyer Eggert Langmann brought an action "Against persons unknown for being suspected of deliberate murder" under instructions by Thomas Weissbecker's mother. He stated amongst other points: "... it has to be investigated within this context in how far the culprit assumed that it was not Thomas Weissbecker, but Andreas Baader ... who should be shot in any case." (page 13)

On August 28, 1972 the Public Prosecutor in the Court in Augsburg dismissed the charge - Ref.: 110 Js 143/72. He stated amongst other points: "I have stopped the preliminary proceedings against the police officer through whose use of a firearm Thomas Weissbecker was killed on March 2, 1972 according to 170 para 2 StPO. (page 1)

According to the same rule I will also not pursue the charge brought by lawyer Langmann insofar as he is asking for criminal proceedings against the named officer. None of the 2 officers have made themselves punishable. (page 2)

Since February 11, 1972 a flat had been under observation by officers from the Bavarian Office for the Protection of the Constitution, the Security Group Bonn-Bad Godesberg of the Federal Criminal Office (BKA) and a Special Commission of the Bavarian Criminal Office. On March 2, 1972 at 12.30 they observed that a young man and a young woman entered the flat. (Page 2) (Now follows the exact description of the observation)

The use of firearms against Thomas Weissbecker by the officer A was justified as an act of self defence (53 para 1 StGB) (page 7)

The superior officer is also not guilty of having committed an offence of accidental homicide by ordering the immediate arrest of the suspected couple. (222 StGB)

For the officer in charge there existed at the time when he gave the orders, no possibility to plan and prepare in such a way that the use of firearms could have been avoided by the officers. After both of them aroused the suspicion of escape by their sudden separation an immediate arrest was imperative." (page 10)

On May 9, 1975 WERNER SAUBER was shot by police officers during a vehicle-control in a car park; Karl-Heinz Roth was badly injured. In the criminal proceedings against Karl-Heinz Roth and Roland Otto for attempted murder of the police officers involved, both were found not guilty. Nothing is known to us of a sentence against the officers.

On September 6, 1978 WILLY PETER STOLL was shot in a Chinese restaurant in Dusseldorf. He was hit by 4 bullets from 2 police pistols, one of the bullets killed him.

The Police President and Public Prosecutor tried to justify the murder as an act of self defence. But they made contradicting statements with regard to the number of shots fired, to the question whether the officers had tried to disarm Stoll and to the question whether Stoll himself had held a weapon. The way in which the Public Prosecutor in Dusseldorf explained the suspension of the proceedings against the police officers is very typical; to justify the shooting of Stoll they explained amongst other things that the "generally known danger of terrorist brutality" justified the use of firearms - an argument that speaks against a definite act of self defence and for the general plan to kill people who are being hunted as members of the RAF.

The Interior Minister of Nordrhein-Westfalen, Hirsch, has expressed his "appreciation" towards the two police officers involved and promised promotion. And Nordrhein-Westfalen's opposition leader Koepler has also praised the "sensible and precise way of acting" of the two police officers (Frankfurter Allgemeine Zeitung, 9.9.78). The chairman of the police union GDP in Nordrhein-Westfalen, Guenter Schroeder, thinks that the shooting of Willy Peter Stoll is suitable "to be adopted as a model case for the teaching books of the police" (Braunschweiger Zeitung 8.9.78). Praise for the "success of the search" was also expressed by the Federal Minister of the Interior, Baum. (Frankfurter Rundschau 8.9.78).

ELISABETH VAN DYCK was shot on May 4, 1979 at about 10.00 p.m. whilst entering a flat in Nuernberg. There were 3 police officers in the flat, Elisabeth Van Dyck was on her own. In

the decision to stop the proceedings the Public Prosecutor at the Court in Nuernberg-Fuerth states on June 15, 1979 (Ref.: 340 Js 18/79): "The accusations against the police officers in the death of Mrs. van Dyck on May 4, 1979 will not be accepted as the officers have acted in self defence (32 StGB). Reasons:

- The police headquarters in Mittelfranken issued an order according to which the police officers involved were given instructions to arrest those persons who entered or were going to enter the flat. In the order it was mentioned that these people for whom an arrest warrant had been issued ¹⁾ (Christian Klar, Rolf Heissler, Monika Hellbing, Adelheid Schulz, Elisabeth van Dyck, Werner Lotze) regularly carried weapons, possibly also explosives and that an immediate use of firearms was to be expected.

- In the afternoon of May 4, 1979 the police officers no. 24 and no. 33 and their group leader no. 26 entered the conspirative flat which had been rented under the false name of Friedrichs. It was left to the officers, against whom an action has been brought and whose names are known to the Public Prosecutor, to discuss and decide upon the details of a possible action. The head of the police and the officers at headquarters did not interfere. It was agreed from the beginning that every person who opened the flat door would be greeted with the words "Police, lift up your hands". For reasons of security every arrest was to be made with weapons ready to fire. (Underlined by us)

It was planned to arrest entering persons in the hall as that seemed to be the most convenient place... (There follows a description of the hall) The Police officers decided that they would post themselves at the doors of the different rooms in case of danger and to explain to the entering persons the reasons for the arrest from there.

- At about 9.50 p.m. the officers received information via their radio that a suspected person, probably a man, had entered the house. The officer no. 26 then went to the spy-hole in the door. After a short time he saw a young woman -

it was Elisabeth van Dyck - who obviously wanted to enter the flat. The officer therefore withdrew to the bathroom door. His colleagues no. 24 and 33 who had placed themselves in the bedsitting room rushed to the door of this room. Mrs. van Dyck opened the double-locked flat door with a key and entered the hall. She was carrying a handbag and a shoulderbag as well as newspapers and letters. Before she could pull out the key from the door and close it, the call by officer no. 26 was made in the dark: "Police, lift up your hands". All the lights in the flat had been turned off.

To this call she reacted, after a short hesitation, by turning slightly towards the officer no. 26. At the same time she dropped all her things and her hand went quickly to the belt of her trousers... (Now follows the exact description of the pistol which was later found on her but which could hardly have been recognisable in the dark.)

- The attempt by Mrs. van Dyck to draw her pistol despite the call caused the police officer who was holding his gun in his right hand, to shoot a bullet from his hip from a distance of more than 1 meter. The bullet hit Mrs. van Dyck in the front of her right thigh. The bullet left at the back of the thigh at a height of 68 cm, without injuring the bone and went into the wall of the hall on the right side of the door. Straight after that the officer no. 24 also fired a shot from a distance of about 60-80 cm. By turning her body after the call, Mrs. van Dyck was standing with her back and partly her left side towards the officer no. 24. Mrs. van Dyck was therefore hit by a bullet in the left side of her back at a height of 109.5 cm and 11 cm to the left of her spine. The bullet went through the body and got stuck 108 cm above the sole of the foot and 2.5 cm from the right of the middle of the stomach, right under the skin. The line of fire therefore went from the left of the back to the right of the front slightly sloping...

As a result of the shot Mrs. van Dyck collapsed. She fell backwards near the open door. An ambulance brought her immediately to the clinic in Nuernberg but she died at 11.15 p.m. as a result of circulatory- and heart failure with internal haemorrhaging, mainly inner bleeding as a result of the shot which had torn her inner organs.

II.

1 The use of firearms by the police officers no. 24 and 26 on the evening of May 4, 1979 in the flat Stephanstr. 40 was justified according to 32 StGB, as the officers were acting in self defence. This right of self defence belongs to every citizen... (Underlined by us)

On September 25, 1978 MICHAEL KNOLL was shot in Dortmund.

ROLF HEISSLER was apprehended in a house in Frankfurt/Main on June 9, 1979. The house had been watched by police officers; the apartments which Heissler wanted to enter were full of police officers. When Heissler entered an officer shot him in the head without prior warning and without Heissler attempting to draw his weapon. Heissler survived because of an instinctive head movement; he suffered head and eye injuries.

This is the only case in which the actions of the police are documented in detail, because the victim survived the police action. It shows that the question of self defence did not arise and confirms the theory that it did not arise either in any of the other cases where lethal shots were fired.

Under the pretext of hunting for especially dangerous "terrorists" civilians have also been shot. Two examples:-

IAN MACLEOD was shot on July 1, 1972 in Stuttgart during a search action against the RAF. In the early hours of the morning CID officers stormed the flat of the Scottish businessman. He opened his bedroom door, undressed, and shut it immediately. Police officer Koglin at that moment fired his submachine gun through the closed bedroom door. Macleod was killed on the spot by a bullet which hit him in the back.

After one year the Public Prosecutor at the Court in Stuttgart refused to bring a charge against the officer Koglin. After a search of the flat no weapons had been found but the action had taken place during a search for terrorist criminals. The officer was therefore found not guilty because of justifiable homicide.

On May 21, 1974 the cabdriver GUENTER JENDRIAN was shot in his flat under the same pretext. At 3.00 a.m. in the morning a unit of the MEK (Mobile Action Unit) stormed his flat on the 2nd floor.

According to the police this was part of their search for Roland Otto (see May 9, 1975, Werner Sauber).

The Public Prosecutor conceded that Jendrian had not used a gun himself. But the preliminary proceedings against the police officers were still discontinued at the end of May 1974 with the reason of "self defence".

Documentation exists that between 1971 and 1978 over 146 people were killed by the police, amongst them children and young people. The killings took place in connection

- with the so-called terrorist hunt in 16 cases,
- with the chase of - mainly ordinary - criminals in 52 cases,
- with the chase of traffic offenders in 13 cases,
- or within the current atmosphere of general hysteria. 1)

In 1951 the Federal Criminal Office (BKA) had at their disposal a special commando in the form of the Security Group Bonn, situated in Godesberg. This commando was formed as "bodyguards" for West German politicians and as observation-group for the protection of state receptions.

A few months after the emergency laws were passed, dated 28.6.68, the Federal Government authorised the BKA to build up the Security Group into a Central Inquiry Office for the whole of the FRG. The Minister of the Interior at that time, Herr Genscher, decreed in November 1970 that the BKA "should start immediately with the creation of a criminal investigation group and to complete the training within 2 years". (Bulletin by the Federal Government 52, page 1608) In 1971 this special commission was introduced as the "Baader-Meinhof Special Commission" and in 1972 as the "Special Commission to fight anarchistic criminals" and finally it was named the "Special Unit to fight against Terrorists".

According to the Vice President of the BKA, Werner Heinel, this commando consists of: CID officers, technicians, handwriting experts, psychologists, Federal Border police (BGS). (Bulletin 52)

The Special Commandos of the BKA work closely together with the Secret Services. The Federal Minister of the Interior asked

1) "Everyone can be next". Documentation of lethal shots by the police since

the Federal Office for the Protection of the Constitution, to form a group for the observation of foreigners. Since 1970 special units exist in the different state centres of the BKA, to fight against "foreign terrorists". (Bulletin 52)

In each of the different states a standby police unit was created in support of the municipal police. Within the unit, special sniper units were set up. Next to the standby units, the states formed already in 1953 in co-operation with the municipal police and the political departments of the State Criminal Offices, as well as their local police stations, "Special Commandos" of conspiratively disguised civilian officers. The Special Commandos of the states were introduced to the public as "Anti-Terror Groups". Their deployment in the normal police activities has allegedly only exercise-character.

In May 1974 the "Standing Conference of the Ministry of the Interior" decided in agreement with the Federal Minister of the Interior, to introduce "information centres" in all state ministries, as well as an extension of their secret special commandos according to central guiding principles. The "Standing Conference of the Ministry of the Interior" holds the view that "the centralisation of these special commandos ensures a problem free, mutual and simultaneous response". (Der Kriminalist, 5/74)

In the meantime the special units of the standby police units and the special commandos are under direct order of the Ministers of the Interior of the different states.

The state authorities have in all cases tried to justify the actions of the police officers by claiming that they had acted in self defence or mistakenly assumed a self defence situation. (So-called justifiable homicide)

In the face of this it has to be commented on that these were officers of the police special units, who have received military training, were armed and were therefore always superior to the people they killed. In some cases the encounter had been carefully prepared (Elisabeth van Dyck, Rolf Heissler) so that the element of surprise can be excluded. The actions of these

special commandos lead to the conclusion that it is their aim not to take prisoners if possible.

"It has been reported that the Israelis as well as the West Germans have given special orders to their anti-terrorist commandos not to take prisoners if the conditions are favourable, especially if no journalists or witnesses are present."
(Conflict, published by Rand Corporation, Vol. 3, No. 2/3, 1981)

The political leadership of the FRG has openly sided with this intention to kill. The Interior Minister of Hessen, Bielefeld, said for instance: "Even terrorists are human beings; shooting them needs practice." (Der Spiegel, 18.9.72). The former chancellor Helmut Schmidt said in a Government statement on May 15, 1975 that: "Terrorism" must be "extinguished quickly", the state could not afford to hesitate "even to kill". The former head of the BKA, Herold: "It (terrorism) must be eliminated as quickly as possible." (Frankfurter Rundschau, 3.5.79)

MEASURES AGAINST THE PRISONERS OF THE RAF AND OTHER POLITICAL PRISONERS

III. Confinement in Isolation (Art. 7 of the covenant)

Three prisoners from the RAF (Andreas Baader, Gudrun Ensslin, Jan Carl Raspe) have filed a complaint with the European Commission of Human Rights against the FRG. In this complaint they reprove confinement in isolation as a violation of the prohibition of torture (Art. 3 of the European Commission of Human Rights). The Commission has rejected the complaint. (8.7.78) ¹⁾

The Federal Government uses the decision by the Commission to justify the maintenance and intensification of confinement in isolation. Representatives from the Federal Government have several times referred to this decision before the Committee of Human Rights. ²⁾

The Federal Government has also quoted the decision by the Commission to the 3rd Committee of the General Assembly of the United Nations to maintain their assertion that torture does not exist in the FRG. ³⁾

The decision by the European Commission of Human Rights is, however, neither factually correct nor legally defensible. As this decision is of fundamental importance it is admissible and necessary to criticise it in view of the confinement in isolation which is being practised in the whole of the FRG (and is not only restricted to the prison conditions of the three named complainants, to whom the decision applies directly).

1) European Commission of Human Rights. Decisions and reports. 14. 1979, p.64 ff. s. appendix 2

2) CCPR/SR. 92, para. 4a. 7; 96, para. 19

3) A/33/196/Add. 1, p. 25, para. 2 (4.10.78)

A. Review of the prison conditions of political prisoners in the FRG

Conditions of isolation have been applied since 1970, since the existence of RAF prisoners. ¹⁾

a) The prisoners are cut off extensively from human communication within the prisons and from their contacts to the outside. The prisoners are kept in single cells. The windows of the cells are constructed in such a way that contact to other prisoners is impossible. The participation in communal events, for instance church service, is prohibited. The prisoners are not allowed to meet up with other prisoners during prison functions, or when taking showers. They have to take "exercise in the yard" on their own; and this very often does not take place in the prison yard but in a roofed space within the prison building. The cells of the prisoners and the objects contained in them, including personal notes and defence papers, are often searched, looked into and confiscated. The prisoners are also strip-searched before and after every visit, even after those by their defence counsels, and have to change or remove all their clothes. During the visit they are separated from their visitors by a glass partition. Political censorship is being applied to books, magazines and newspapers.

b) Since 1977 so-called high security wings are being built within the prisons. High security wings are buildings which are built separately from the other prison buildings and which consist of a number of isolation cells. All the cells (including visitors cells, shower rooms) are housed in the wings; the "exercise period" also takes place within the wings so that the prisoner never leaves these units.

Such high security wings and isolation units are for instance in Stuttgart-Stammheim, Celle, Berlin-Tegel, Berlin-Moabit, ¹⁾ Luebeck, ²⁾ Munich-Straubig, Frankenthal, Bruchsal.

1) compare confinement decisions from 1975 - appendix 4
1977 - appendix 5
1980 - appendix 23

1) appendix 8

2) appendix 6

In these wings the state authorities have used/perfected the experiences they gained from confinement in isolation from 1970 until 1977. The high security wings are an intensification of the already existing conditions of isolation.

A prisoner from the RAF, Karl-heinz Dellwo, has described his cell in the high security wing in Celle: ³⁾

"Unlike the usual constructions the cell has been built diagonally to the corridor and has two doors. And two windows. The cell is about 5.90 m long and 1.80 m wide. Height 3.50 m. In each cell door there is a square hatch to pass things through for instance. The two windows and the hatches in the doors are made from 'Allstop' bullet-proof glass. The windows, very heavy, cannot be opened by us. Faint air enters through an air conditioner built onto the side. The windows are about 1.10 m wide and 1.50 m high, 50% are made of bullet-proof glass, 50% are taken up by the frame. I think that the whole construction weighs about 400kg - maybe this will make it comprehensible for you. This is important, because nothing demonstrates the total isolation and separation as strongly as these windows. Communication is not even possible through the air conditioner. It is constructed in such a way that no sound enters through it. The cell is painted yellow. Two large neon lights on the ceiling and a small one, which is installed on top of a sheet metal plate built into the wall and which is also meant to serve as a mirror, are turned on from 7.00 a.m. in the morning until 11.00 p.m. at night. When looking at the sheet metal plate there always seems to be a slight mist between us. The other fittings are a sheet metal lavatory, sheet metal sink, security furniture, concrete floor. There is a radio, a Grundig 'prima boy 700', with only long and medium wave. A radio installation with loudspeaker or headphone connection, as they are normally in the cells, does not exist in this wing. ... The cell doors are airtight. The cell is silent. It is not completely soundproof, but I can only receive very indefinable sounds. Yesterday, for instance, it was raining. I can see the rain but I can't hear it. When the door is opened it is announced by a slight sound. Even though I have tried I cannot understand a single word when the prison officers are talking in the corridor. The only distinguishing sound is a high loud banging, when the food trolley is pushed along. Or for instance when the coffee pot, with which we are getting hot water three times a day, is being collected one hour after distribution - there is a banging sound, then the hatch is opened and a prison officer asks for the pot. But otherwise it is not possible to hear beforehand if anybody is coming. I can't hear for instance when the door is opened by the other two officers.

To say it differently: This wing is not the kind of isolation unit which we have experienced so far, where a whole unit has been cut off from the rest - this is an architectural conglomerate of 10 isolation units which are totally cut off from each other. If I didn't know that the two people from Berlin were also in these cells - so far I wouldn't have been aware of them. This is an assimilation of all the experiences which the state has made in all the years of detention in isolation. I have been here for 48 hours now - apart from the bath and the visits in the visiting cell I will not be expecting anything new. There will only be repetitions. No unforeseen occurrences will happen here. As I said before, the experiences of detention in isolation in two dozen prisons have been implemented here. I don't think that a qualitative change. The basic purpose of this building is not security, but destruction. The whole technology is aimed at securing the isolation - every situation, in which the isolation is not perfect, must be an exception."

1) appendix 7

Confinement in a high security wing is connected with complete optical and acoustic control. In the single cells there are two-way communication installations which can be used for acoustic surveillance without the prisoner being aware of it. In the corridors and communal rooms there are video cameras and microphones. The Senator Justice in Berlin at that time, Herr Meyer, said the following about the high security wing: "According to instructions the video cameras should only be used if there is a threat to security. ...The cameras are always running but recording needs a special permission." (Public discussion on 18.1.80 in Berlin).

It is up to the discretion of the prison administration to determine when "a threat to security" exists. The purpose of these controls is explained below.

An extreme measure of isolation to be mentioned is the contact ban. (page 53)

c) All prisoners from the RAF are kept in conditions of isolation as are all prisoners who have been imprisoned as "sympathisers" of the RAF for doing legal political work. Amnesty International quotes: "In the case of prisoners whose charge is based on non-violent offences, extreme security measures have also been taken." 1)

Almost all the prisoners charged under para. 129a StGB are concerned. Para 129a StGB, which was enforced on 18.8.76, makes the membership of a "terrorist group" as well as the "support" and "advertising" of it, a punishable offence. The precursor of para. 129a StGB is the evidence of the existence of a "criminal group" (para. 129 StGB). The introduction of evidence as a "Terrorist group" demonstrates clearly politicisation of the penal law: whilst the concept "criminal" signifies the use of certain (illegal) aims (namely: to destroy the present system of the FRG), which finally means a political point of view. Accordingly the Law interpretes the notions of "support" and "advertising"

1) Amnesty International: Report about the prison conditions in the FRG, May 1980, page 16.

extensively: intended is the allegedly hypothetical, purely political "support" or "advertising". In this way the Law criminalises two groups of people: defence counsels of RAF prisoners as well as those people who show solidarity for RAF prisoners (for instance by supporting hungerstrikes against conditions of isolation, contacts by letter and visiting). 1)

Examples are quoted below. (page 137)

1) Prison conditions Irmgard Moeller, appendix 10

d) The prisoners of the RAF have demanded the abolition of isolation since the beginning (1970). Initially they asked for equal status with other prisoners. The relevant submissions and legal actions by their defence counsels were rejected by the judicial authorities. The highest Court of the FRG, the Federal Court of Justice and the Federal Constitutional Court have, on the contrary, declared that isolation conditions are legitimate. The prisoners have tried to achieve their requests through hungerstrikes.

1. Hungerstrike 17 January 1973 - 12 February 1973

40 political prisoners demanded the abolition of isolation and especially that Ulrike Meinhof be moved immediately from the Silent Wing in Cologne-Ossendorf. (In the Silent Wing she was totally isolated socially since her arrest on 15.6.72 and no sounds reached her.

The judicial authorities reacted at first by withdrawing the drinking water for different prisoners. On Friday, 9 February, Ulrike Meinhof was moved from the Silent Wing into a single cell in the male wing in Cologne-Ossendorf - on Monday, 12 February 1973, the hungerstrike was stopped.

2. Hungerstrike 8 May 1973 - 29 June 1973 (47 days)

60 prisoners demanded:

"Equal status for political prisoners with all the other prisoners" and "Free political information for all prisoners - also from the extra-parliamentary media". (s. Appendix 11)

The judicial authorities again tried to break the hungerstrike by withdrawing drinking water for individual prisoners, a shopping ban, prohibition of exercise. After the courts had ordered the lifting of isolation for 2 prisoners, the hungerstrike was stopped.

3. Hungerstrike 13 September 1974 - 5 February 1975

Over 40 political prisoners declared:

Resistance against

- dehumanisation through social isolation - over years;

- re-education and torture in the brainwash wings to force the giving of evidence - the isolation of Roland Augustin since the beginning of May in the Silent Wing in the prison in Hannover;
- the new camera silens cells with constant heat, constant sound and TV surveillance after the model of the Hamburg DRG research project in Berlin-Tegel; Berlin-Lehrter-Strasse; Bruchsal, Essen, Cologne, Straubing;
- being moved at every attempt to break through the total isolation by calling to other prisoners in the punishment cells in Berlin-Moabit, in Bruchsal, punishment cells in Essen, Straubing, Preungesheim, Fuhlsbuettel, Mannheim; into the soundproof, TV controlled "Glocke" in the remand prison Hamburg - completely strapped down for days;
- attempted murder through the withdrawal of drinking water during hungerstrikes in Schwalmstadt, Munich, Hamburg, Cologne;
- being handcuffed during exercise in Hamburg and Lubeck;
- imprisonment for the past 2½ years in special cells in Cologne-Ossendorf directly next to the 2 main entrances of the prison - never any peace; the same in Berlin-Moabit;
- attempts to declare us mentally deficient and the use and threat of forced anaesthetics for inquiry purposes;
- visiting cells with glass partition for visits by defence counsels where political communication is impossible; in Hannover, Stuttgart and Straubing;
- periodic confiscation of all materials necessary for the preparation of the defence - notes and mail - taken by the Security Group Bonn - State Security Department;
- a press campaign against the defence counsels of the political prisoners co-ordinated with the cell searches by the Security Group Bonn; attempts to criminalise the defence lawyers of political prisoners;
- confiscation and manipulation of files by the Federal Criminal Office;
- slackening of isolation only to build up prisoners as informers and witnesses for the trials; as in Cologne-Ossendorf, where Jan Raspe refuses the offered exercise since April, because the exercise period in which he was allowed to take part was with prisoners from the transport wings, with different prisoners every day - a fluctuation in which neither communication nor orientation is possible. All those prisoners who were

allowed to make contact with him were, it was established, organised and controlled by the Security Group Bonn;
- terrorisation of relatives with house searches, surveillance and abuse during and after visits, in order to pressurise them into influencing the prisoners to conform to the regime of the prison staff.

In isolation the hungerstrike is our only possibility to resist collectively the counterstrategy of imperialism to destroy imprisoned revolutionaries and prisoners, who have started in prison to fight back in an organised manner, psychologically and physically, in other words politically. (s. Appendix 12).

The authorities reacted by withdrawing water, wider brutal force feeding procedures, a ban on shopping, prohibition of tobacco, coffee and tea, a ban on exercise.

On 9.11.74 Holger Meins died for these demands. (see the statement by Federal Attorney General Bubeck to the presiding judge, appendix 13).

On 17.12.74 the prisoners demanded during the hungerstrike: "Concentration of all political prisoners in one prison and abolition of isolation". The demand so far had been "equal status with all other prisoners", and here for the first time the prisoners suggested a compromise, to put all the political prisoners together.

The hungerstrike was stopped on 5 February 1975, after the prisoners had been asked on 2 February 1975 by their comrades outside to stop the hungerstrike. (Appendix 14)

4. Hungerstrike 29 March 1977 - 30 April 1977

The prisoners demanded
"that the prisoners from the anti-imperialist resistance groups who are fighting in the Federal Republic be treated according to the minimal guarantees of the Geneva Convention from 1949, especially Art. 3, 4, 13, 17 and 130.

We demand:

1. the abolition of isolation and of group isolation in the prisons of the Federal Republic and the abolition of the special isolation wings in which prisoners are brought together so the authorities can listen to their communication by electronic means and analyse them...
2. an inquiry into the deaths of Holger Meins, Siegfried Hausner and Ulrike Meinhof by an International Commission of Inquiry. (s. Appendix 15)

The investigating judge at the Federal Court orders force feeding upon the order of the Chief Federal Prosecutor. (s. Appendix 15)

At the end of April nearly 100 prisoners are on hungerstrike, Gudrun Ensslin is in danger of dying. ¹⁾

After the doctors refuse to carry out further force feedings in Stuttgart, promises are made.

The prisoners stop the hungerstrike. (s. Appendix 17)

The promised group was formed in June 1977; Wolfgang Beer, Helmut Pohl and Werner Hoppe were moved from Hamburg to Stuttgart. On 8.8.77 the group was broken up again under a pretext. The prisoners were once again isolated from each other. (see report about the beating up of prisoners; s.u.S.66) ¹⁾

5. Hungerstrike from 10 August 1977

Against the break-up of the group is stopped on 2 September "because the situation has hardened" and "the authorities have throughout adopted the line to make an example against the prisoners after the attacks against the Federal Prosecutor's Office and Ponto. This corresponds to Rebmann's announcement. As a result the prisoners have stopped their strike on the 26th day. Thereby also preventing speculations of homicide." (statement for stopping the hungerstrike. s. Appendix 18)

6. In March/April 1978

The isolated prisoners tried again to put an end to their isolation by going on hungerstrike.

1) Ingrid Schubert talks about the situation in Stammheim on 26.4.77; see Appendix 16

7. Hungerstrike from 20 April 1979 until 26 June 1979

By the middle of May over 47 prisoners took part in the hungerstrike and by June there were over 70 prisoners. They demand: "Abolition of the isolation wings";

- a prison status which corresponds to the minimal guarantees of the Geneva Convention and the International Human Rights Declaration for prisoners from anti-imperialist groups;
- that these prisoners be put together into groups capable of social interaction in accordance with the demands of medical experts;
- release of Gunter Sonnenberg who, as a result of his head injury, is unfit for imprisonment;
- control of the prison conditions by international humanitarian groups/organisations."

(s. Appendix 19)

The hungerstrike is temporarily stopped on 26 June 1979 to await "the results of negotiations between the International Commission, which is acting on our instruction... and negotiations between Amnesty International and the Federal Ministry of Justice."

(s. Appendix 20)

8. Hungerstrike from 2 February 1981 until 16 April 1981

The demands were

"Application of the minimal guarantee of the Geneva Convention"... that means

- that the prisoners be put together into groups which make social interaction possible ...
- release of Gunter Sonnenberg (s. Appendix 21)

In the night from 15 to 16 April a mediator of the Federal Republic and a lawyer negotiated a settlement with the assurance: "No prisoner will be kept on his own."

(s. Appendix 22)

As a result the hungerstrike was stopped on 16.4.81, the Thursday before Easter - for several prisoners were in acute danger of dying. Around lunchtime Sigurd Debus, who had been on hungerstrike since 10.2.81 and who had been force fed since 16.3.81, was declared dead. He had already been unconscious for 9 days. (see p. 130 below)

9. Hungerstrike from 5 December 1984 to beginning of February 1985

The Federal Government has not kept its promise of 1981, that no prisoner should remain isolated. On 4.12.84 35 prisoners of the RAF and resistance commenced a hungerstrike. For some prisoners, detained since the beginning of the '70's, e.g. Irmgard Muller and Monika Berberich, this was the ninth hungerstrike.

The demands of the prisoners were:

"...we demand prison conditions as laid down by the Geneva Convention as minimal guarantees for prisoners of war:

- large groups of all prisoners from the resistance and all militant groups.
- abolition of single and small group isolation and the acoustic and visual surveillance and control.
- the lifting of the contact ban: visits, letters, books, free political discussion and information."

(extract from the declaration in the trial of Gisela Dutzi, 4.12.84 in Frankfurt/Main)

On 27.1.85, when there was an acute danger to the life of 4 prisoners, the State Secretary Dr. Kinkel, representative of the Federal Justice Ministry, made a clear statement. "He said that the Federal Government and the Federal States are united in their resolve not to give in to the demands of the prisoners. He told the SPD that he understood and agreed with the position of the Government (as quoted)."

(press declaration of the lawyers 31.1.85)

The prisoners continued their strike until the beginning of February. They maintained their demands.

Even though a broad national and international public opinion had demanded the abolition of the isolation imprisonment, the State authorities have not fulfilled this request. On the contrary:

- they have killed the prisoners Holger Meins and Sigurd Debus during the hungerstrike; (see below p.76 and p.130)
- they have anticipated that the trials against the RAF, planned for 1975 (especially the trial against Andreas Baader, Gudrun Ensslin, Ulrike Meinhof and Jan Carl Raspe in Stuttgart-Stammheim)

could only be conducted if a special law were passed, according to which the trial against prisoners who are not fit to attend their trial because of the effect of isolation can be continued in their absence. This law (para. 231a StPO) had already been composed during the third hungerstrike and came into force on 1.1.75; (see below p.144)

- they conceived the plan to exclude defence counsels from the trials, as they expected that they would attack the conditions of isolation during the trials and address an international public on this subject. Laws were therefore drafted during the hungerstrike for the exclusion of defence counsels and these laws came into force on 1.1.75. (see below p.144)

The prisoners had to experience that the W. German State does not apply the national law in their case. As imprisoned members of an anti-imperialist guerilla they have had to refer to international law since 1975: they demand treatment according to the International Human Rights Convention and control of their prison conditions through international organisations. In fact they demand to be put together into groups able to interact socially. Their demands are based on the corresponding demands by medical experts who have established during the above mentioned trial in Stuttgart-Stammheim, that the prisoners were unfit to attend their trial because of the effects of isolation. (see p.40 below)

B. About isolation conditions in particular; also: criticism of the decision by the European Commission for Human Rights

1. The methods of isolation

The Commission confirms that the use of techniques such as sensory deprivation as well as the total isolation has unquestionably to be qualified as torture; but that both of these did not apply in the case of the RAF prisoners; they were only "relatively socially isolated".

- (a) The assertion that the prisoners are not subjected to sensory deprivation is incorrect.

Ulrike Meinhof was kept 3 times in the Silent Wing of the prison Cologne-Ossendorf (16.6.72-9.2.73; in December 1973 for 14 days; 5.2.74-28.4.74). She was not only cut off from contacts to all other prisoners but also "isolated acoustically" (quoted from prison Governor Buecker's own words). Apart from a quiet, monotonous sound-level she couldn't hear anything. Her cell was completely white; pictures were not allowed. ¹⁾

Astrid Proll, an RAF prisoner, had to be released from prison because of danger to her life after she had twice been taken to this wing (22.11.71-14.1.72; 12.4.72-16.6.72). ²⁾

The Silent Wing in Cologne-Ossendorf is "one of the severest isolation units known to exist". ^{3) 4)}

The RAF prisoners are generally subjected to sensory deprivation. This applies especially to the present so-called high security wings. It can be concluded from the report quoted by Karl-Heinz Dellwo about the high security wing in Celle, that he is acoustically isolated there:

"The cell is quiet. It is not completely soundproof, but I can only hear very undefineable sounds."

1) The fight against conditions of destruction. 1974, p.168
The death of Ulrike Meinhof. Report by the International Inquiry Commission, 1979, p.11; The Technology of political control, 1977, p.238

2) The fight against conditions of destruction, 1974, p.147
Amnesty International's report about prison conditions in the FRG May 1980, p.26

3) Shallice in: The Technology of Political control, 1977, p.238

Medical experts have also talked about sensory deprivation. Dr. Stoewsand (Hamburg) has stated the following with regard to the RAF prisoner Irmgard Moeller:

"To summarise I can say that the patient shows classic symptoms with regard to isolation conditions in the sense of sensory deprivation and social isolation... The justification for the statement, which describes the isolation confinement as a torture method, has to be emphasised." (report from 16.9.75)

Dr. Stoewsand says the following about the prison conditions of the prisoners Grashof, Grundmann and Juenschke (report from 11.12.75):

"The isolation measures taken against the prisoners are not only social isolation, but also sensory deprivation. -Should the prison conditions not be changed there will certainly be a danger to the life of the prisoners."

And finally, we have to point out the length of isolation periods:

Forms of sensory deprivation, which on first impression may appear to be less heavy than those techniques used in Northern Ireland will in the long run, and which here means over years, have the same destructive effect. ¹⁾

(b) The Commission states that the prisoners are not subjected to a total, but to a relative social isolation; especially that they had various visits by defence counsels and relatives, moreover that the possibilities of contacts amongst the prisoners - gained amongst others because of the hungerstrikes - had been continually increased.

1) Also mentioned in: The death of Ulrike Meinhof. Report by the International Inquiry Commission. 1979, p.13: "We have come to the conclusion that Ulrike Meinhof has been subjected to the 'unbloody' torture method, which is called 'social and sensory deprivation'. We started from the 'case' of Ulrike Meinhof, but have stressed several times that this has not been an isolated individual case."

Also: 3. International Russell tribunal. About the situation of human rights in the FRG. bd. 4, p.177: "Defendants, who have been suspected of membership in a terrorist organisation, are frequently over longer periods, subjected to complete isolation and sensory deprivation."

(ba) This argumentation can only be described as cynical. Complete social isolation in prisons does not exist; complete isolation would within a short period lead to a breakdown and death of a person.

(bb) The possibilities for visits are often reduced to visits by relatives. This violates No. 37 of the UN Standard Minimum Rules for the Treatment of Prisoners (ECOSOC Res. 2076 - LXII - from 13.5.77), which states that visits by friends are also to be allowed. The possibilities for communication are further limited insofar as all visitors (relatives, defence counsels, friends) are being spied upon by the Federal Criminal Office (BKA). The following extract has been taken from a report by the BKA to the Internal Committee of the German Parliament (May 1977):

"The special intelligence service 'prisoners surveillance' has been enforced since March 1, 1975 for the whole Federal Republic. A central office has been established at the BKA to co-ordinate this service.... The police has to make use of the fact that it is possible to gather reliable information in the prisons about the prisoners and their contacts, as well as the visitors and defence counsels. This necessitates surveillance measures and a central information-gathering and evaluation. The aims of these measures are: to gain a complete picture about the behaviour of the prisoners, ...their contacts to persons and to control these persons, ...all prisoners who are suspected or have been convicted of political (terrorist) motivated crimes will be included in the prisoners surveillance. ...Every visit, including visits by the defence lawyers, have to be reported. ...Should the contents of the talks be questionable the talk has to be stopped or, if necessary, the whole visit discontinued. (This also applies to visits by the defence counsels.) ...The information gathered through the surveillance will be stored in the central office and in the PIOS-system."

They report further that the identification cards of the visitors, including the defence counsels, are to be copied and that their cars, their place of residence, their telephone numbers have to be registered. All visits, except those by the defence counsels will be supervised by police officers, who will write protocols about the content of the talks. The officers interrupt or

break off the talks, if for instance they concern the prison conditions or political activities outside the prison against the conditions.

Since April 1983 the Minister of Justice uses the device of an "illegal information system" to justify measures against prison visitors (relatives and friends) and against the prisoners themselves: Searches of flats, cells, confiscation of letters, interruption of talks between prisoners and their visitors. The idea of the "illegal information system" exists to suggest that there is an illegal exchange of information between illegal members of the RAF (outside) and RAF prisoners. The following directive from the Federal German Bar (18.3.83) proves, however, that it is the intention of the judiciary to prevent a discussion between prisoners and their visitors about prison conditions and possibilities of changing them.

The directive describes the following subjects as illegal:

1. Discussion of demands for groups "of prisoners of the RAF" and "prisoners of the anti-imperialist struggle"..
 - (a) generally
 - (b) in respect of which groups of people should be put together
 - (c) in the way in which the demands can be substantiated "politically"
 - (d) how the demands could or should be supported by actions either within or outside the prison
 - (e) as part of the "struggle" or "resistance" or as a means to create unity or a united front within the resistance.
2. The planning of actions to support the demand for groups of prisoners, or the continuation of the struggle, particularly of violent actions against the stationing of medium range missiles, as for instance the blockade of ammunition trains or violent action against the Federal army or Nato installations.
3. Reports about actions of the above nature which have already been carried out.

The named restrictions in the contact between prisoners, their relations and friends violate the general comment 9/16 of the

Human Rights Committee in which it states: "Allowing visits, in particular by family members, is normally also such a measure which is required for reasons of humanity." (Report of the Human Rights Committee 1982, p.97)

The few visits - which take place under the described conditions - cannot counteract the isolation; at best they can only provide minimal relief.

(bc) When the Commission finally mentions the temporary increase of contact possibilities as a result of hungerstrikes, then this shows with all clarity that the demand for the abolition of isolation is justified and can be granted quite easily. (It also has to be mentioned that the largest group at present in the FRG consists of only 5 prisoners, whereas medical experts had demanded groups of at least 15 prisoners.) It can only be concluded that isolation for all prisoners has to be abolished, but not as a result of hungerstrikes.

(c) The fact that some prisoners have been put together into small groups, does not really change anything. These groups are too small and cannot really soften the damaging effects of isolation or cancel the already existing damage. Medical reports ¹⁾ have therefore stated that groups of 15-20 prisoners are necessary; the largest of the presently existing groups consists of only 5 prisoners. And we have to take into account that the small groups are imprisoned within the high security wings and also that the prisoners have already suffered irreparable damage to their health because of preceding isolation over many years.

Amnesty International (in its report about torture, 1976 p.55) has condemned small group isolation as a means of torture.

(d) The European Commission for Human Rights states that the cells of prisoners are stacked "with books and posters".

Apart from the fact that books and posters cannot substitute for human communication, it has to be mentioned that the prisoners very often did not receive the books, magazines and newspapers as well as letters, including defence mail which had been sent to them: these were confiscated because of their political content. Political censorship is being practised widely. (Violation of art. 19 of the convention) ²⁾

1) Rasch in: "Monatsschrift fuer Kriminologie und Strafrechtsreform, 1976, p.61 ff

2) Compare chapter VII

The following documents will illustrate this point.

"... following an order by the Public Prosecutor we object to the propaganda material of the Republic of China for the remand prisoner Asdonk according to no. 34, para 1, no. 4 UVollz0.

Because of its revolutionary phrases and especially its glorification of violence the material is suited to endanger the order of the prison. The material is to be added to the belongings of the defendant.

1 Berlin 21, 28 January 1971
County Court Tiergarten, dept. 352

Ehlitt
Judge 1)

"Decision in the preliminary proceedings against Brigitte Asdonk,

presently in the remand prison in Essen, Krawehlstr. 59

"In view of an application by the Public Prosecutor at the Court in Berlin from March 14, 1972 the letter of the accused addressed to Monika Berberich, dated 3.3.72 will not be handed out according to no. 34 (1) no. 3 UVollz0, because the letter contains insults. Already in the first sentence there is talk of the "Murder of Tommi" 2) "conveyor belt executions in Iran" and "the re-introduction of the death penalty in the FRG". The letter has been confiscated according to paras 94,98,119 StPO, as it is of importance as evidence for the attitude and the future behaviour of the accused.

1 Berlin 21, 23 March 1972
County Court Tiergarten, dept. 349

Ruppender
Judge 3)

"The Judge at the Federal Court

1 BJs 41/72

Decision

in the preliminary proceedings against Manfred Grashof ... presently in the remand prison Hamburg ...

1) Kursbuch 32, 1973, p.63

2) refers to the shooting of Thomas Weissbecker on March 2, 1972 in Augsburg; see 'shoot to kill', p.4

3) Kursbuch 32, 1973, p.53

According to an application by the Federal Attorney at the Federal Court the mail sent to the defendant by Carmen Roll has been objected to and will not be passed on to the defendant....

The letter by Carmen Roll and the enclosed material contain an exaggerated criticism of the existing political and economical situation in the FRG and discuss the crimes of the members of the Baader-Meinhof group in a manner which tries to justify the criminal activities of this group. This is aimed at strengthening the negative view of the defendants towards state and society. ...It gives rise to the apprehension that this will encourage the defendant to put up resistance and that this could cause disturbance in the prison.

Buddenberg
Federal Judge 1)

Court of Inquiry
Stuttgart

Ref.: judicial preliminary inquiries against Andreas Baader a.o.
here: Gudrun Ensslin

Decision

With regard to the application by the Federal Attorney at the Federal Court objections have been raised regarding the letter by N.N. addressed to the accused Gudrun Ensslin and the letter will not be passed on to the accused. The letter is to be added to the belongings of the accused.

Reasons:

The sender of the letter, N.N., indicates his agreement with the accused, offers his help and asks for information about the aims of the accused. A letter of this kind is contrary to the aims of remand imprisonment (para. 119, 3 StPO).

Maul
Judge 2)

Prison Pforzheim

Rohrstr. 17

Ref.: prisoner Siefried Hausner

Your application, 3.7.74

Dear Herr Dr. Croissant,

1) The Fight against destructive imprisonment, 1974, p.70 f

2) The Fight against destructive imprisonment, 1974, p.72

It is not possible for me at the present time to verify the assertion by your client that literature has not been handed out to him. The prisoner's file is at the Ministry of Justice because of the application, dated 28.6.74.

The handing out of books is regulated according to the AV. by the Ministry of Justice from June 24, 1969 - 4480a - VI/200 -. According to this "the possession of books whose contents give offence to the penal law or the fundamental law and order or which threaten the aim of imprisonment, especially the rehabilitation" is not allowed. All literature has therefore got to be kept away from your client which will induce him to commit further fascist acts, which will lead him further towards the authoritarian, anti-liberal and anti-democratic behaviour of the revolutionary who is driven to inhumanity by his militant hate.

Yours sincerely,

Rosenfeld
Administrative Adviser 1)

Court of Appeal in Celle
2 ws 118/79 - 20 Gs 229/79 AG Celle
Decision

11 July 1979

....

The complaint by the defence counsel for Karl-Heinz Dellwo, lawyer Rainer Koch from Frankfurt/Main, against the decision by the judges at the County Court in Celle from May 30, 1979 is hereby rejected with the provision that the contested defence correspondence will provisionally be kept by the court.

....

The complainant has on May 23, 1979 sent defence correspondence with a.o. photocopies of

1. press statements by the lawyers Schmid, Frommann and Waechter about the start of the hungerstrike by members of the RAF and other groups, which are suspected of being terrorist groups according to para. 129 StGB,
and

2. the submission of evidence by the accused Roland Mayer, who was tried before the court in Stuttgart as well as the corresponding statement by the defendant Siegfried Haag from April 24, 1979. The judge at the County Court Celle has objected to this

part of the defence correspondence on May 30, 1979 because of suspicion that this material would, if passed on, be suitable to encourage the organisational unity of a terrorist group...

But this court is also of the opinion that it is the duty of the judge who has been appointed with the surveillance according to para. 148 StPO, to only examine whether the defence correspondence relates to the advancement of a terrorist group and (or) to planned crimes according to para. 138 StGB, but that he is not allowed to carry out any further examination (and objection) (Kleinknecht, 34, aufl., para 148a StPO, Rnr. 2). He can for example not examine whether a danger of prejudicing the course of justice is being planned through written communications, or escape, or any other offence, or whether the co-defendants want to synchronise their evidence (Duennebier in Loewe/Rosenberg, 23. edition, para 148a StPO, Rnr. 7).

... and that it is the aim of the surveillance to exclude the furtherance of such groups through letters or other objects sent by their lawyers.

In this case it is a matter of so-called "press statements" by the defence lawyers of Angelika Speitel (lawyers Kruse, Oster and Schmid), Irmgard Moeller (lawyer Frommann) and Knut Folkerts (lawyers Waechter, Bendler, Gauger and Hessel), in which they state that their clients are on hungerstrike and that they demand the formation of groups of at least 15 prisoners, better prison conditions and other aims. As all statements contain the same demand, that the prisoners on hungerstrike want to achieve the formation of groups of political prisoners of at least 15 people, the suspicion exists that by passing on these press statements it was not only the aim to give information to Karl-Heinz Dellwo about the prison conditions of other prisoners to further the improvement of his own conditions, but that it was the aim to encourage Karl-Heinz Dellwo to also take part in the hungerstrike to achieve the formation of groups of imprisoned comrades to support a terrorist organisation, by forming so-called "groups capable of interaction" within the prison system (compare press statements referring to Angelika Speitel)."

1) The fight against destructive imprisonment, 1974, p.74

Decision by the Court, 17 StVK 415/79
dated 7.8.79 - Refusal to pass on the book "Terrorism" by
the "Bundeszentrale fuer politische Bildung"
"... the prisoner Herlitz demonstrates daily his solidarity
with the prisoner Dellwo, who undoubtedly is one of the key
figures of the terrorist scene and who doesn't deny this. It
does therefore seem hardly possible to supply this prisoner
voluntarily with information material which is, amongst others,
suited to analyse and evaluate measures by the police which are
directed against terrorist activities. To tolerate this kind
of information material would run contrary to the aim of
imprisonment, to dissuade the prisoners from their fatal and
suicidal fight against the Federal Republic of Germany."

The judge at the
Federal Court

9 August 1979

1 BFs 130/76-6 - II BGs 837/79

Decision

in the preliminary proceedings against Rolf Heissler
The letter of the accused from July 23, 1979 to Max Witzel,
Hoelldobl, has been confiscated. The sender will receive a copy
of the letter.

Reasons:

The letter will be of importance as evidence. The contents
supports the suspicion that the accused is a member of the RAF.
He supports the demand for groups of 10 to 13 prisoners to be
put together, a demand which, as we know, is raised by members
of terrorist groups who try to achieve it through hungerstrike.

Corresponding to this is his wish to spend his recreation and
exercise period with Bernd Roessner and Knut Folkerts. These
two he calls "hostages". And finally we have to consider the
use of the word "war injury" for the head injury he received
during his arrest and which demonstrates his attitude as a
fighter against the state and the social order. The letter
will also serve as comparison material of a very recent date in
the handwriting of the accused for analysis and association of
handwritten notes, which have been secured during the inquiries
and which imply a terrorist background.

Dr. Engelhardt
Judge at the Federal Court

From an application to reject judges on the grounds of
prejudice, to the presiding judge at the Court in Dusseldorf
- 4 Court -, Dr. Wagner, by the lawyer of Gert Schneider on
29.2.80:

"The fear of prejudice results from the fact that the rejected
judges have been involved in decisions which, within the frame-
work of judicial mail-control, have resulted in a one-sided
censorship of information, especially a complete information-
stop of certain political contents....

As far as it concerns written material, the regulations state
that

1. apart from a certain number of regularly obtained daily
newspapers and weekly or monthly magazines, the prisoner does
not receive other newspapers or information material which the
prisoner wants to receive additionally, or which are sent to
him, neither photocopies or extracts from other materials.

2. that from the newspapers which he receives regularly,
especially from the "Informationsdienst", the "Tageszeitung"
and the "Arbeiterkampf" whole pages are regularly removed and
not given to him, because they contain certain political informa-
tion which the prisoner is not meant to receive, especially such
information which interests him most, namely criticism of state
agencies, reports about incidents in prisons and reports about
the politics of the urban guerilla groups....

The reason given for this is simply that this general prohibition
is absolutely necessary in view of the heightened security risk
to achieve the aim of imprisonment....

A fitting example for such censorship is the decision from 18.9.79
in which several pages from the "Informationsdienst" no. 298 are
not handed over for the following reason: "The paper contains a
contribution about alleged prison conditions which could affect
the prisoner in such a way as to endanger the security and
order of the prison." This argument is contrary to common sense.
How can an article on prison conditions endanger the security
and order in the prison? How can it do this when it only con-
cerns "alleged" prison conditions?...

There is no basis to assume that Gert Schneider would be provoked into aggression against prison officers through reading certain information....

If we consider that the judges who make such decisions, really believe in the possible aggressive reaction of the prisoner, then this is reason enough to accuse them of bias, as they make this assumption simply on the basis that he is a member of a group which supports armed struggle. Identical censorship-decisions have been made at the same time on the same forms for the prisoners Wackernagel, Schneider, Speitel, Albartus, Schwall and Roos...."

Even the documentation by the Federal Government for the information of the public "about the events and decisions in connection with the kidnapping of Hanns Martin Schleyer and the Lufthansa-plane Landshut" by the press and information centre of the Federal Government will not be passed on.

"I a - 214/78

official document

prisoner Rolf Heissler, prison Straubing;
here; application for ordering and receiving three books from the bookshop Roter Stern, 355 Marburg
1. Observation

The prisoner Rolf Heissler applied on April 22, 1980 for the delivery of three books from the bookshop Roter Stern, 355 Marburg. One of the books is the "Documentation about the events and decisions in connection with the kidnapping of Hanns Martin Schleyer and the Lufthansa-plane Landshut" by the press and information centre of the Federal Government. This book is one of the objects which fall under the regulation of para 70, 1 StVollzG (Books and other objects for further education or recreation"). The prisoner is not allowed to own such objects if the possession or the usage of the object would endanger the aim of imprisonment or the security and order of the prison, para 70, 12 no. 2 StVollzG. ...

He will use the material to win supporters for anti-constitutional aims by giving biased and polemic representations of the actual facts and these supporters are willing to endanger the security

or order by using threats or force. The compiled statements of all actions by the terrorists against measures by the Federal Government are already suited to strengthen a possible supporter in his determination to undermine the liberal order of the Federal Republic, if necessary by force. The security and order of the prison also demands that no "teaching-material" will reach a terrorist criminal like the prisoner Rolf Heissler. The prison cannot here give details of the individual points which can give concern for the security and order of the prison because this could jeopardise the aim of the measure.

Straubing, June 18, 1980

i.A. signed Wilke
Prison administrator

"Court Dusseldorf

Decision

The magazine "Der Spiegel" no. 16 from April 13, 1981 is to be handed over to the prisoner apart from the pages 1, 3 and 24 to 37, which will not be handed over to him and will be put to the possessions of the defendant.

Reasons:

The magazine contains articles on those pages which concern actions of resistance in prison.
Such reports are suited to endanger the order in the prison."

"The Judge at the

Federal Court

5 February 1983

Decision

in the preliminary proceedings
against Christian Klar,
born on 20.5.52, presently on remand in the prison Straubing,
a.o. accused of murder
It has been ordered by the Federal Attorney at the Federal Court that according to para 119, 3 StPO
1. the leaflet "Proclamation by relatives of political prisoners in the FRG concerning the trial of Helga Roos" from the mail by Adelheid Hinrichsen, Auf der Bojewiese 75e, 2000 Hamburg 80, dated 22.1.83, will not be handed out to the accused and will be included in his possessions,
2. the rest of the mail (2 letters) will be handed out to the accused.

Reasons:

To forward this leaflet would prejudice the criminal proceedings and is suited to endanger the order in the prison (no. 34, para 1, no. 2 and 3 UVollz0). The authors of the leaflet portray prison conditions of "political prisoners" in a distorted manner and call for a "fight in the prisons".

The leaflet is suited and obviously intended by the sender to strengthen the accused, who is suspected of terrorist crimes, in his fundamental attitude and to encourage the unity of terrorist groups even in prison."

2. The effects of isolation

The European Commission for Human Rights stated the following about the effects of isolation:

"From the medical reports it is not possible to determine with certainty the specific effects of this isolation on their physical and mental condition in relation to other factors, like length of imprisonment, hungerstrikes, stress caused through the preparation for the trial."

The representatives of the Federal Government has presented a similar view before the Committee of Human Rights. ¹⁾

(a) This argument is without support. The Commission thereby disregards the medical reports of all the experts in proceedings against the RAF - whereby it has to be noted that they were all expert witnesses appointed by the court. Prof. Rasch (director at the Institute for Forensic Psychiatry at the Free University Berlin) has stated:

"that the decisive psychiatric treatment method would be a change of prison conditions with the possibility of larger groups for social interaction", and that it is "difficult to imagine how to cure the effects of isolation from which the prisoners suffer, without changing the present prison conditions fundamentally". (report from 7.11.75)

In a second report Prof. Rasch wrote:

"that the diagnosed deterioration of the prisoners' health is a direct result of the special prison conditions they are subjected to." (August 1975)

In an essay in the "Monatsschrift fuer Kriminologie und Strafrechtareform", 1976, p.61 ff, Prof. Rasch demanded (p.67):

"that the present prison conditions should be abolished or modified because of their damaging health effect."

Prof. Mende (report from 17.10.75), Dr. Schroeder and Prof. Mueller (reports from 13.10.75 and 17.9.75) came to the same conclusions.

1) CCPR/SR, para - 19

Prof. Mueller and Dr. Schroeder stated the following in their report:

"The restoration of an adequate general physical condition and an unimpaired ability to attend their trial would presuppose that the whole situation of the defendants would have to be changed, especially from a psychological point of view. ...The best living conditions which we as doctors feel are best for the people entrusted to us obviously collide with those security measures regarded as necessary by the authorities. As far as those measures allow for an abolition of the social isolation it should be done; that it would be recommended from the medical side we have already expressed."

With regard to the RAF prisoner Irmgard Moeller Dr. Naeve (director of the judicial medical service of the health authority in Hamburg) has stated:

"The longterm and often total isolation of remand prisoners from other prisoners, the far-reaching interrupted contact to other people without doubt led to a substantial encroachment on the psychic functions and capacity for work. ...To avoid still further psychic upsets through a continuation of the isolation we have to request from a medical point of view the complete abolition of isolation imprisonment." (Report from 16.9.75) ¹⁾

With regard to the effects of the so-called high security wings we will quote statements by doctors, who have inspected the high security wing Berlin in 1980 and who described the effects after only a short visit as follows:

"I have looked at the high security wing this afternoon and afterwards we had an hour long discussion with Herr Meyer in a communal room which is meant to be for the group of 7 prisoners. After one hour I had a very strong headache - even though I have never so far in my life suffered from headaches. One just sits there and eight strong neon lights shine directly into your eyes. One can't prevent it, unless one looks constantly on the floor, which is barren.

1) Amnesty International, report about the prison conditions in the FRG, May 1980, p.24

I would like to know, and this should be clarified by the Federal Constitutional Court, whether the responsible Senator for Justice is not obliged to find out beforehand whether the confinement in such nearly total isolation conditions does not in the long run cause psychic and also - as is by now known generally - psychosomatic illnesses caused by the confinement. ..."

"The light in the windowless, 2.30 m high communal room is, as a result of several neon lights, so bright and strong that it leads to lasting eye problems and damage to the general condition like headaches, pressures to the head and aggression. Because of the smooth walls and the light falling constantly on them there is no relationship between light and shadow in the room.

The insufficient air ventilation through a narrow air shaft causes stuffy (strengthened by smoking) and dry air (central heating), which in turn leads to headaches, difficulty in concentration, tiredness, chronic colds and chronic bronchitis. This will be especially noticeable with high temperatures outside. The high wall which stands near to the cell windows prevents any movement of air." ¹⁾

(b) The argumentation by the Commission is finally astonishing insofar as it contradicts decisions by the two highest German courts: the Federal Court and the Federal Constitutional Court. Both courts have decided that the isolation conditions are the reasons for the inability of the prisoners in the Stammheim trials (1975-1978) to attend their own trial. The context within which these decisions were made, was as follows:
"Four prisoners from the RAF, Andreas Baader, Ulrike Meinhof, Gudrun Ensslin and Jan Carl Raspe, appeared as defendants before the court in Stuttgart; the trial took place within the area of the prison Stuttgart-Stammheim. The defendants and their defence counsels asserted that the defendants were not fit to attend their trial because of the isolation confinement, that the trial had to be stopped. The presiding judge maintained instead - without having heard any medical experts - that they were completely fit to attend trial, that the consultation of experts was not

1) Group of doctors in Berlin in a letter to the Senator for Justice in Berlin, 10.1.80

necessary. When the prisoners and their defence counsels managed finally to have their fitness to attend trial examined and this by doctors who had been appointed by the court, they came to the following conclusion: the prisoners are partially unfit to attend their trial, the main reason being the isolation imprisonment (compare p. 37 of the report). The court then acknowledged their unfitness to attend trial but at the same time disregarded the reports by stating: not the prison conditions but the hunger-strikes are the cause. This assertion was intended to make it possible for the court to continue the trial in the absence of the defendants - based on the law especially passed for this trial and enforced on 1.1.75, para 231 StPO, which provides for the possibility to conduct the trial in the absence of the defendants, if they are themselves deemed responsible for their unfitness to attend the trial."

The Federal Appeal Court came to the same conclusion but stated different reasons. The reason for the unfitness to attend trial is confinement in isolation; but that the prisoners themselves are responsible for these prison conditions because of their "danger"; the trial can therefore continue in their absence. 1)

"The statement that the prison conditions reduced the physical and psychic condition of the accused and even the statement that there existed 'isolation conditions' were, in the past, always regarded as defamation of the law. In the decision now submitted precisely those statements are part of the supporting argument. Written by Prof. Dr. Gruenewald, University Bonn, 'Juristenzeitung' 1976, p. 768

The Federal Constitutional Court has confirmed the decision by the Federal Court. (21.1.76) 2)

When the European Commission for Human Rights maintains that it is not clear that the damage to health can be attributed to the prison conditions it ignores the facts which even the Federal Court and the Federal Constitutional Court were forced to recognise.

Finally, in this context a study by the Ministry of the Interior needs to be mentioned, entitled "Activities and behaviour of imprisoned terrorists." 1983:

"There is no doubt each withdrawal of liberty is a necessary evil. This applies especially to the imprisonment in the so-called high security wings. Their negative effects must not be embellished. It must, however, also be borne in mind that the public demand for punishment and the protection of the public from further serious offences cannot be subverted to the prisoners' interest in their freedom from injury."

The Federal Ministry of the Interior expresses here that physical violations can be attributed to prison conditions. The Federal Ministry of the Interior does not mention that prisoners have a fundamental right to freedom from injury, merely that prisoners have an "interest" in their freedom from injury.

1) compare Cobler "Die Gefahr geht von den Menschen aus" 1976, p.100 ff

2) BVerfGE (Federal Constitutional Court)

3. The Goals of Isolation

A. The alleged goals

1. The "European Convention of Human Rights" has declared isolation to be in accordance with the law for reasons of "security". By doing so it has accepted the argumentation of the German Government (Bundesregierung), according to which the RAF prisoners are "especially dangerous", used firearms in the course of arrest and took part in actions to free themselves. These arguments do not hold true.

Imprisonment in isolation has been and still is applied in the case of all RAF prisoners, whether they used firearms in the course of their arrest or not. Moreover imprisonment in isolation is applied to those political prisoners, who are arrested for "supporting" (Unterstützung) and "recruiting for" (Werbung) a "terrorist association" (Terroristische Vereinigung) (129a StGB), that is to say, who are not accused of having used violence. Accordingly Amnesty International has written in a report:

"Maximum security conditions, including imprisonment in isolation ... are applied to all prisoners who are arrested for politically motivated crimes - without any regard for what particular crime they took part in. In the case of prisoners who were accused of non-violent crimes, extreme security measures were ordered as well." ¹⁾

For this reason the argument about the use of firearms has to be regarded as a red herring.

The same applies to the argument, that the prisoners had taken part in attempts to escape. The prisoners have not only been isolated when attempts to escape took place (occupation of the German Embassy on 24.5.75; kidnapping of the president of the "Federal Association of German Industry", Schleyer, from September 5 until October 19, 1977): they were and still are all isolated from the first day of their imprisonment - that is from autumn 1970.

1) Amnesty International: Arbeit zu den Haftbedingungen Mai 1980, Page 16

The security argument also has no justification in law.

When the Commission talks about "extraordinary conditions of imprisonment" and about the "special dangerousness" of the prisoners and seeks to justify isolation for "security reasons", it is using phrases which characterise a martial law situation. Frankly speaking the argument of the Commission is: since the Federal Republic of Germany is in a state of martial law in its fight against the RAF and the RAF prisoners, everything, even imprisonment in isolation, is lawful. This is in contradiction to the absolute character of the prohibition of torture.

The Commission comes to the conclusion that the priority in the conditions of imprisonment of the RAF prisoners being "first of all to the security requirements" was "absolutely imperative". This also is legally untenable. Civil rights are rights of the individual in relation to the State.

This creates a conflict between the interests of the State and the human rights of the prisoners so far as the conditions of imprisonment are concerned. The alignment of these conditions with State interests results in a one-sided solution of this conflict to the benefit of State at the expense of the prisoner's rights. This, too, is a typical argument in martial law; it is the essence of martial law that the State puts its interests before those of the individual and annuls human rights generally.

2. As another alleged reason for isolation the Commission claims that the prisoners rejected the offer of contact with other prisoners: the State authorities could not be blamed for their isolation, only they themselves.

First of all it has to be pointed out that this argument contradicts the security argument. If not the State, but the prisoners themselves are to be blamed for isolation, the security argument is unnecessary.

But the theory that they themselves are to blame cannot be maintained. The RAF prisoners - as already (p. 19) said - have been demanding equality with all other prisoners from the beginning of their imprisonment. They tried to enforce this

demand by means of hungerstrikes. During the 3rd hungerstrike Holger Meins died in pursuing this demand. To claim that the prisoners wanted to be isolated is cynicism in the face of these facts.

They did in fact reject or stop contact in some cases; this was for different reasons:

- in some cases they would have come into contact with war criminals and Neo-Nazis. The prisoners, who consider themselves anti-fascists and anti-imperialists rejected contacts of this kind. ¹⁾
- it appeared that they would be in contact with prisoners who were especially selected by the prison management and who in some cases acted as informers and provocateurs, for instance with questions about weapons. ²⁾
- in other cases the prison management put pressure on prisoners who wanted to talk to prisoners from the RAF by threatening them with isolation themselves if they continued contact with the RAF prisoners. In such cases the prisoners from the RAF stopped the contacts themselves so as not to endanger the others. ²⁾

In any event the offers of contact never meant that the prisoners from the RAF were really equal to the others - in the sense of being integrated into the "normal" everyday life of the prison. Very limited contacts could not actually end isolation.

Brigitte Asdonk, for instance, (imprisoned in 1970) was moved from the small group in the high security wing in Lubeck to Bielefeld with the promise of normal prison conditions. This happened in the spring of 1980. After 4 weeks of integration she was again completely isolated with the following explanation:

"Confinement measures:

Brigitte Asdonk was found guilty of membership of a criminal organisation amongst others currently in process is a trial under 129a Penal Code "terrorist group". No indications exist that the prisoner has distanced herself from the terrorist scene ... understandable reasons exist to keep the prisoner in conditions

1) See Lutz Taufer's letter, appendix 24

2) Timetable 32: Torture in the BRD, 1973 p.115/116

of increased security on her own in a single cell." And further: "Normal conditions: Confinement under normal conditions is not possible at present and cannot be considered for reasons mentioned under 1 above. Furthermore the prisoner refuses a psychological examination in this context." (treatment plan for Brigitte Asdonk 17.12.80)

At the same time the State authorities argued in the mass media that with these contacts the prisoners were not isolated. In this respect the offer of contact was a propaganda measure with the aim of refuting public accusations of torture.

After this one cannot talk about the prisoners being responsible for their own isolation.

B. The Actual Goals

1. The purpose of isolation is to destroy the prisoner's political identity. They have the choice either to "recant" - and then to be integrated into "normal imprisonment" - or to be subjected to isolation and, through this to physical and psychic destruction. This is the openly declared aim of political justice. The 3rd (= political) court (Strafsenat) of the Federal Court of Justice (Bundesgerichtshof) outlined in its decision of 22.10.75 (cited on page 42):

"The complainants belong to a numerically, triflingly, minute group of the population, which in contrast to this population, holds it indispensable to change the state of society, certainly needy of improvement in various respects, in the FRG - as, incidentally, in every society - not by the democratic means of persuasion of the voters, but by way of force of arms against their will. Their view of the social conditions and of the real possibility of changing them, evidently unachievable and remote from reality as it is, misleads them to a fanatical pursuit of their goals, even from the prison cell. They see themselves as captured members of an armed group ("Red Army Faction") which combats the existing State by every means, does not recognise its laws as binding and slights its authorities, especially the organs of justice." ¹⁾

1) See Appendix 1

The Federal Court of Justice quotes as decisive, according to the above subjective elements: The "aims" of the prisoners, the "disregard" of the State authorities, the "non-recognition" of the laws. The Federal Court of Justice has thus defined the RAF prisoners as public enemies and justified their isolation herewith.

By way of this the Federal Court actually says that isolation will be removed, when the prisoners give up their "goals", "accept" the laws and "respect" the institutions of the state. In other words: the Federal Court of Justice has defined isolation as a means of breaking the political identity of the prisoners.

Politicians who are responsible for imprisonment in isolation have made similar statements in public - on 15.5.79 the Senator of Justice (West Berlin) wrote to the lawyers of political prisoners imprisoned in Berlin's "high security wing":

"It is planned to imprison normally those prisoners who have disassociated themselves in a convincing way from their terrorist environment and from whom obviously no danger is to be expected - especially as regards attempts to escape - so that, within the framework of the law they are treated like all other prisoners."

To Amnesty International he said (6.11.79):

"...I'm willing to make exceptions, if one of those prisoners has shown by his behaviour that he has distanced himself from terrorism and that such offences cannot be expected from him anymore."

The duration of isolation is related to this goal (see the question of Tarnopolsky, CCPR/C/SR. 93, para 37 on this point): isolation is kept going until the prisoner has "recanted"; an absolute time limitation, for instance in a law, does not exist.

2. Closely combined with this is the aim of extorting confessions. This, too, is indirectly expressed in the cited decision of the Federal Court. When it is said there that the prisoners slight the state authorities, especially the organs of justice, it is saying that the goal of isolation is to bring about "respect" for

the state organs in the form of collaboration.

The former Minister of Justice for Hessen, Hemfler, expressed it clearly in 1973 in answer to the question of a Dutch journalist, who said: "But cases of isolation from 6 months up to 1½ years are not fair". He answered:

"That's not fair, but partly it lies with the prisoners themselves, who must themselves be blamed as being a consequence of their obstinate refusal or of their tendency to conceal everything and under no circumstances to tell the truth or to facilitate the finding out of the truth." 1)

The security services are supported in their goal of destroying the identity of prisoners by doctors, and especially by psychiatrists.

-Since the end of World War II the effects of isolation have been researched in experiments. In the University clinic of Hamburg-Eppendorf a team of scientists (leader: Prof. Gross) has worked since 1971 with a so-called "camera silens", that is a sound-isolated room. 2) These experiments are done with soldiers of the Federal Army. In 1967 Prof. Gross wrote an essay about the effects of social isolation and sensory deprivation in prisoners and emphasised the heightened "suggestibility" of the prisoners.

The prison programmes - worked out in every detail - and the high security wings, well thought out architecturally and technically, show that imprisonment in isolation in the FRG has from the very beginning been planned and worked out with the aid of scientific research into sensory deprivation - in the full knowledge and conscious use of the health-destroying effects of isolation.

-This is also shown by the co-operation of doctors, especially psychiatrists in prisons.

As already shown, Ulrike Meinhof had been three times in the silent wing in Köln-Ossendorf. During that time she had been under the control of a psychiatrist (Dr. Goette). Only at that

1) The fight against the destructive imprisonment, 1974 p.120
The Technology of Political Control, 1974 p.241

2) The fight against the destructive imprisonment, 1974 p.139 ff

moment when - according to his opinion - "the limit of her capacity had been reached", did he vote for a transfer. ¹⁾ Obviously the function of this psychiatrist was not to concern himself with the health of the prisoner (in that case he should have protested about her being kept in the silent wing), but his task was to keep a check on the effects of isolation and to inform those who were responsible for the isolation about the state of health of the prisoner.

A second example is the RAF prisoner Gunther Sonnenberg. He has been seriously hurt during his arrest by a shot in the head and is kept in custody in spite of his disability - and in isolation. During his imprisonment in Bruchsal the prison doctor Dr. Pfahler explained to the prisoner Gunther Sonnenberg that his conditions of imprisonment would change only when he was "co-operative".

The third example is putting groups of political prisoners together - in the so-called high security wings. The intention of the security services is that the possibility of communication between the prisoners thereby created should not result in the easing of isolation, but on the contrary: prevent communication and aggravate isolation. The security services make use of the results of group psychology here. Berlin's then ruling Senator of Justice Meyer explained the following in an interview with the press (Tageszeitung", 24.8.79):

"With the separation of single groups or even single prisoners one could foster or reduce tensions within the group at any time.... In this group imprisonment one had to bring the people into a situation in which they long to leave the group and in which they can then be integrated into normal imprisonment as re-socialisable."

In order to achieve this goal, psychiatrists and psychologists are active in the high security wings in order to evaluate the information gained through the permanent observation of the prisoners.

The Federal Court of Justice explained its position as regards the use of psychiatrists insofar as the isolation of prisoners was justified for the following reason:

1) See: The fight against destructive imprisonment, 1974 p.180

"Their (RAF) apparently unchangeable and far from real picture of social conditions and of the real possibilities of influencing these conditions, causes them to follow their aims fanatically even in the high security wing."

The term "far from real picture" is a psychological category; the Federal Court says that persons belonging to the RAF are psychologically abnormal.

The above shows that in order to justify isolation and destroy the prisoner's identity, psychological methods (with the aid of doctors) will be used.

The European Human Rights Commission uses basically the same argument when speaking of its "regular scrutiny" of prisoner's conditions. This "scrutiny" takes place not for the benefit of the prisoner's health but rather so that the information gained can be used to "influence" the prisoners by varying the conditions of imprisonment, as the Federal Court says. The then Chief Attorney Martin (Press statement from 22.2.73) explained:

"The regular medical and psychological care ensures that the conditions of imprisonment correspond to the individual physical and psychological situation of each prisoner." ¹⁾

3. The use of isolation, as practised by the Federal Government, is, in the long run, a way of punishing the prisoners, exacting revenge and letting them feel the full power of the State. This becomes especially apparent during and after outside RAF activity which the government answers by tightening the isolation for those inside. The political prisoners are treated as hostages. The Federal Court, in the decision already quoted, also mentioned this aspect. It justified the particular dangerousness of the prisoners as follows:

"The attack on the embassy in Stockholm, which cost several lives, was meant to bring about the prisoners' release by terrorising us and the Swedish State. Through the kidnapping of the politician Lorenz, the compatriots of the accused succeeded in securing the release of several terrorists who were closely linked to the accused."

1) The fight against destructive imprisonment, 1974 p.94

The Federal Court, in other words, did not even claim a direct involvement by the prisoners in these actions, merely that a purely political involvement existed; they speak only of "compatriots" of the prisoners, with whom they are closed "linked".

The most obvious example of Government's intent is the so-called "Kontaktsperre" (to forbid contact completely, even to the lawyer) (compare the questions of Tarnopolsky, member of Human Rights Commission CCPR/C/SR : 93 Par. 40; 94 Par. 10). "Kontaktsperre" means that prisoners are forbidden all contact among themselves and with the outside world. In details this means that:

- all visits are forbidden, especially those of lawyers;
- current trials are postponed;
- all letters including those pertaining to the defence are stopped; books, magazines and newspapers are also banned;
- radios are taken away;
- contact between prisoners through knocking and calling is stopped by separating prisoners far from each other, sealing of door cracks and sound proofing of cells.

This "Kontaktsperre" has been applied on many occasions:

(i) After the occupation of the German Embassy in Stockholm by a RAF commando, one of these commando members, Siegfried Hausner, was taken prisoner and despite serious injuries, kept totally isolated; medical treatment was withheld and the prisoner's request for a lawyer was denied. Hausner died in Stuttgart-Stammheim prison. (more on this case on page 105)

(ii) After the RAF attack on the former Federal Attorney Buback (7.4.77) the Court authorities in Stuttgart imposed the following measures on prisoners: no contact between prisoners, radios and tv confiscated, all visits including those of lawyers banned.

One court declared to a lawyer:

"This decision can be justified in a state of emergency."

These measures lasted from 7th until 10th April, 1977.

(iii) Gunther Sonnenberg, a prisoner who during his arrest (3.5.77) received serious gunshot wounds to the head, was totally isolated at the beginning of his confinement. (More on this case on page 58). His lawyer was not allowed to visit him from May 3, until May 23, 1977.

(iv) On 5.9.77 Hanns Martin Schleyer, president of the Federation of German Employers and president of the Federal Board of Industry was kidnapped by the RAF, an action whose aim was to bring about the release of RAF prisoners. Instead the "Kontaktsperre" was imposed on all RAF prisoners according to the federal law 129a StGB. This happened in two phases: firstly openly illegal, then based on the (just passed) "Kontaktsperre" law.

a) Soon after Schleyer's kidnapping the "Federal Minister for Justice, through the Federal Prosecutor ordered all local and federal authorities to stop all contact, both among prisoners and with the outside world." (Documentation of the Federal Government page 239).

On 8th and 9th September 1977 the local Justice authorities began to forbid contact between prisoners and their defence counsels; the reason: the RAF prisoners supposedly had contact with Schleyer kidnapers, and the life of Schleyer had to be saved, they claimed. The law (148 StPO) which guarantees the prisoner's right to consult his lawyer at any time, was declared invalid due to the "emergency" situation. Despite this some judges ordered that defence counsels were allowed to visit prisoners. A judge in Berlin for example made the following decision:

"Forbidding contact between defence counsel and prisoners can only be justified according to law, when such visits are liable to lead to a breach of the law. It has not been proved to this Court, that evidence suggesting such a breach of the law is available."

The prison authorities however stopped all visits from defence counsels:

"Despite the court decision regarding the legality of these visits, it is not possible to allow such visits. The Justice Ministry in Baden-Wurttemberg, under whose authority the prison service is, has ordered all prison governors to stop any visits by defence counsel." (Decision of the president of the 5th Criminal Court of the State High Court in Stuttgart 12.9.77)

On application of the Federal Prosecutor the Federal Supreme Court then declared the "Kontaktsperre" to be legal on 23.9.77.

There was, as claimed, a "danger that the continued free access granted to lawyers could lead to an escalation of the danger facing the kidnap victim." Furthermore: "We don't want these lawyers themselves to fall under personal suspicion, but in this situation it has to stand aside... members of the legal professions are, in general, persons of high integrity."

b) The Federal Government rushed the "Kontaktsperre" law through the Parliament (23.9.77), the Upper House then voted for it on 30.9.77 and the President signed it making it law that same day, whereupon it immediately came into effect. It should be noted that the "Kontaktsperre" has no time limit.

It can be ordered for up to one month and can be repeatedly re-imposed as often as wished.

The Government's information to the Human Rights Commission that the "Kontaktsperre" is only allowed within a strict time limit is false. 1)

On 4.10.77 the Constitutional Court declared that the new law conformed to the constitution. 2)

During the "Kontaktsperre" only police officers (apart from prison warders) had access to the prisoners. These were officers from the regional and federal Criminal Police concerned with political activities. They used the absolute isolation of the prisoners as an opportunity to attack them:

- In a number of cases prisoners were interrogated. A former defence counsel of RAF prisoners, Armin Newerla, himself imprisoned, was asked where Schleyer was being kept. When he answered that he could not say they said to him: "Now the paper tiger will show his claws." The officer then beat him on the back, chest, shoulders and face. Because he still had nothing to say they then stood him against the wall. What they then got out of him was that he really did know nothing about the kidnapping.
- police officers searched cells and confiscated materials relating amongst other things to the defence. 3)

1) CCPR/C/SR 96, para. 17
 2) BVerfGE 46, p. 1 ff
 3) see appendix 25: report of prisoner about the contact-ban

- they carried out body searches on the prisoners. The prisoner Ingrid Schubert for example:

"Soon after it became known that weapons had been found in Stammheim prison - as Frau Schubert told her defence counsel - she was forced to undergo a body search... which did not end, when she was stripped naked... a gynecological search was undertaken against her will. During this two male (!) warders held her legs. While in this physically painful and degrading position she tried to defend herself and bit one of the warders in the hand. The result was that she was not allowed to use the shop facilities in the prison."

- Three RAF prisoners: Andreas Baader, Gudrun Ensslin and Jan Carl Raspe, were killed during the "Kontaktsperre" on 18.10.77 (see page 110 ff).

The supposed aim of "Kontaktsperre" was to stop all contact between the RAF prisoners and those who had kidnapped Schleyer in order to save Schleyer's life. The Government's Spokeswoman explained this to the Human Rights Commission. (CCPR/C/SR 96 para 17)

This argument is only being used as an excuse. The State authorities never believed themselves that contact existed between the kidnappers and the prisoners. The then Justice Minister Vogel, for example, said in an interview with the Italian TV in the spring of 1978, in answer to the question as to whether the kidnapping was planned from the prison cells:

"No. We did not believe that then, and there has been no evidence to the contrary. Of course it was demanded that something should be done to free the prisoners. I cannot rule out the possibility that during visits small bits of information may have been passed in order to facilitate such an operation (the freeing of prisoners), information about apartments, and where weapons and materials might be. But as regards planning or masterminding in detail from within the prison, there has been no evidence of that." 1)

The aim of the contact ban (Kontaktsperre) in reality was to punish the prisoners, to get revenge on those who - as opposed to the kidnappers - were at the mercy of the authorities. This is exposed by the Government spokeswoman's statement to the Human

1) Documentation: The proceedings against the lawyers Arndt Muller and Armin Newerla. 1979. o. 163

Rights Commission that the contact ban was an answer to the actions of the RAF. The use of the word "answer" is taken in this case from the political militaristic vocabulary and describes the State's reaction in a political militaristic struggle. In terms of the prisoners this means that they are seen as hostages; the contact ban is to be seen as a method of repression.

Imprisonment despite Physical Disability

The State's aim of "destroying the RAF prisoners is shown especially with the example of the prisoner Gunter Sonnenberg. After receiving a serious gunshot wound to the head he was arrested in Singen (Baden-Wurttemberg) on 3.5.77. Since then he has been suffering from the after-effects of this injury: inability to concentrate, loss of memory, speech problems, general weakness.

Although many medical reports have stated that he is medically unfit for imprisonment, despite this, he has not only not been released, but instead has been sentenced to life imprisonment.

On May 18, 1977 while he was still unconscious, the warrant for his arrest was read out to him and the first of several interrogations was conducted. A defence counsel of his own choice was not allowed to visit him before May 23, 1977.

Within the first two months after his arrest, he was moved 4 times, amongst others to Stuttgart-Stammheim where medical care could not be guaranteed. The severely injured prisoner was guarded in such a way by the police and the Federal Criminal Office that it reminded a defence lawyer of a concentration camp, when he visited Gunter Sonnenberg in the psychiatric hospital Weisenau. From the day of his arrest until the middle of March 1978 he was kept in total isolation. In March 1978 his trial started in Stuttgart-Stammheim; at the same time he had the possibility of daily exercise with 2 prisoners from the RAF. This lasted until January 1979. During this time he managed through discussions, and despite the small amount of time available - the prisoners could see each other daily for 90 minutes - to overcome slightly the results of his injury and to reconstruct himself.

On the strength of that Gunter Sonnenberg was moved from Stammheim to Bruchsal in January 1979 into total isolation. The 3 prisoners carried out an 8 week long hungerstrike to fight for Gunter Sonnenberg's transfer back to Stammheim and to be together with them. More than 30 prisoners joined the hungerstrike. But Gunter Sonnenberg stayed in Bruchsal isolated from his comrades

In May/June 1979 the prisoners from the RAF carried out another hungerstrike with the demand to be put together, in which Gunter Sonnenberg took part.

In July 1979 a systematic tightening up of his prison conditions started, at first by not being allowed to write to the 4 people

with whom he had been in contact for a long period. The censorship of magazines etc. was also increased. From the beginning/middle of 1980 he is not allowed any more exercise, he is therefore in his cell 24 hours a day. Exercise with prisoners chosen by the prison administration he refuses.

The medical care of Guenter Sonnenberg has over the years always been very deficient; every examination and necessary operation had to be fought for. It was, for instance, made impossible for him to have an eye operation because the authorities would only allow it under the condition that the doctor would be released from his duty of silence. (As a result from the injury Guenter Sonnenberg suffers from a 40% decline of his eyesight.)

Medical experts - insofar as they do not place "their obligation towards their employers" (which means the Federal or Local Government - a literal statement by an expert appointed by the court) - found out that Guenter Sonnenberg had to be released as a result of his injury, or would at least need "an emotional, positive, outside stimulation". This can only be interpreted that Guenter Sonnenberg must very urgently be put together with his comrades.

There is no doubt that the justice administration which has been isolating Guenter Sonnenberg for years, uses the injury and its results to make his conditions of imprisonment worse.

Only this can explain the interest of the authorities in each examination result. The last examination of Guenter Sonnenberg took place in 1980, under the supervision of Prof. Dr. Krott. During the examination Prof. Dr. Krott already explained the results to the officers present from the Mobile Action Commando (MEK).

In the summer of 1982 the prison authorities of the prison in Bruchsal ordered a further examination by this doctor. This examination is necessary - and Guenter Sonnenberg wants to have it, but he refuses to be examined by a doctor who passes the examination results on to the authorities. With the aid of a computer-tomography, EEGs and EKGs it should be established whether Guenter Sonnenberg can now stop taking a strong anti-epilepticum which he has taken for years (it has the effect of a very strong sedative and damages, if taken over the years,

inner organs.) It should also establish whether the splinters left in his brain have possibly moved, which could have highly dangerous results for his life.

After the justice authorities had at first considered a compulsory examination of Guenter Sonnenberg, they refused to have a doctor named by the defence counsel who was prepared to do the examination under preservation of his professional discretion. The examination still hasn't taken place until this day.

From February 6 until April 16, 1981 Guenter Sonnenberg took part in a hungerstrike carried out by RAF prisoners with the demand to be put together in groups, the application of the minimal guarantees of the Geneva convention, and international control of their prison conditions.

Amnesty International also intervened during the hungerstrike. According to a protocol of a talk between the General Secretary of A.I. in the FRG, Frenz, and a defence lawyer for the prisoners, Frenz said on April 16, 1981: "Gunter Sonnenberg is really the problem for the whole group of the hungerstrikers, the problem prisoner no. 1, the person they all worry about, where they all ask, what is Guenter Sonnenberg's situation? If he is not moved into the group of the 4 prisoners they will not stop. Mr. Eyrich is aware of this and so is Mr. Schmude and he says that it is alright with Stuttgart."

But after the end of the hungerstrike Guenter Sonnenberg was only able to meet with one other political prisoner and this under conditions which excluded mutual work and discussions; during the 1 hour of daily exercise which took place with other prisoners.

After the hungerstrike in 1984/5 Guenter Sonnenberg has started to exercise again with other prisoners. On 22.5.85 he had an epileptic fit and was prevented from incurring further injuries by a fellow prisoner who stopped him from falling.

Since his arrest - for more than 8 years - he has not had adequate medical care. The medical investigations by a doctor of his choice have always been refused (Press release by Gunter's lawyer 22.5.85).

Gunter Sonnenberg is not fit for imprisonment. He has to be released. His confinement constitutes wilful arbitrary detention. (Art. 9 of the covenant). At the very least he should have contact with other political prisoners.

CONCLUSION

It follows that confinement in isolation is torture in the sense of Art. 7 of the covenant (and Art. 3 of the European Convention of Human Rights). Confinement in isolation has all the characteristics to qualify as torture; to quote from the "Declaration on the Protection of All Persons from being Subjected to or Punishment of the United Nations" from 9.12.75:

"... torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him for an act he has committed or is suspected of having committed, or intimidating him or other persons."

According to this the Committee for Human Rights declared in its notices 7/15: "Even such a measure as solitary confinement may, according to the circumstances, ... be contrary to this article." ¹⁾ The General Secretary of the United Nations listed under "methods of torture", "psychological methods such as long term solitary confinement" ²⁾. In 1977 in a collection of materials for the Subcommittee on Prevention of Discrimination and Protection of Minorities.

And in Art. 19 of the Draft Principles on Freedom from Arbitrary Arrest and Detention from 1970 it says: "The arrested or detained person may not be held... in solitary confinement." ³⁾

Finally the same thing has been said in a series of public utterances by those responsible for the confinement in isolation. The former Hessian Minister of the Interior, Hemfler, declared, for instance, in an interview with the Dutch TV: "It may be that someone experiences this is torture." ⁴⁾

A high official of the Nordrhein-Westfälisch Ministry of Justice, Prof. Klug, agreed in a TV discussion on 22.7.73: "Without reference to any specific case I have to concede that we are talking about effects which are akin to torture." ⁵⁾

1) Report of the Human Rights Committee. GAOR 37th sess. (1982), supp no.40 p.94 f

2) E/CN 4/Sub 2/ 394, p.10 (from 5.7.77)

3) E/CN 4/1044, p.10

4) The fight against Destructive Imprisonment 1974, p.120

5) High security wings and Human dignity 1980, p.37

The former Senator of Justice in Berlin, Meyer, commented in a public discussion in Berlin, 18.1.80, on the high security wings:

"There may, of course, exist security regions, where the feelings of human identity are violated, theoretically this is at any rate correct." ¹⁾

The former Federal Minister of the Interior, Baum, said in an interview:

"The high security wings for terrorists inside the prisons had to be created in certain circumstances, but basically they are inhuman."

1) Frankfurter Rundschau, 18.1.80

IV. BRUTAL MEASURES OF COERCION AGAINST PRISONERS. WITH PARTICIPATION OF DOCTORS (paragraph 7 of the Pact)

Any prisoner attempting to break the solitary confinement is subjected to special treatments, that will be described in this chapter.

1. Incarceration Examples:

1972... "Reasons:

The AMTSGERICHT Tiergarten imposes on the prisoner an sentence of 5 days' tightened imprisonment, because he consciously violated the rules of the house despite exhortation by trying to speak with other prisoners during their leisure hour.

...
At first sight the sentence seems to be relatively harsh. But we have to take the general behaviour of the prisoner into account. He has declared that while being in solitary confinement he would be very keen to talk to another person. This would remain so as long as he was kept in isolation. Thus the accused expressed that he continuously would not be willing to obey the rules of the house that has to be respected by all..."

...
Berlin 21. 27-7-72
LANDGERICHT, 5. FERIENSTRAFKAMMER
(Dr. Endel) (Zimmermann) (Sommerfeld)

1978 Karl-Heinz Dellwo in Köln Ossendorf

"On March 15, 1978 D. again refuses to undress. Therefore he is dragged into the cellar by six prison warders, lead by the security inspector Mr. Loth. He is taken away the clothes, laid on a mat, and chained to two iron rings fastened in the cement floor. A video camera is aimed at the prisoner, lying naked in the empty cell. In this position he is kept for 20 hours. His watch is taken away.

...
On September 23, 1978 he (Karl-Heinz Dellwo) is undressed by several warders to his underwear and pulled into the so-called carcer.

The cellar has no windows and is overviewed by a video camera. Karl-Heinz Dellwo was forced to lay down on a mat on the floor and was put in two iron rings fixed in the cement floor. While fettering the prisoner, one of the warders enjoyed himself kneeling on Dellwo's shoulders and head.

In this position Dellwo had to remain till September 25, 1978, 9 a.m., i.e. for 49 hours. Although he participated in the hunger and thirst strike there was only one visit by a doctor who came to check his pulse. During the 49 hours he had to urinate thrice. In order to avoid lying in his own urine for days he had to turn to the right as much as possible. After 49 hours the carcer stunk and Karl-Heinz Dellwo's head had already turned blue-red."

1981 Angelika Speitel in Köln Ossendorf:

"In Köln Ossendorf, the RAF prisoner Angelika Speitel was kept under particularly harsh conditions from mid January onwards, following an attempt to suicide. Since her imprisonment in September 1978 she had fought to be imprisoned together with Hanna Krabbe and Gerd Schneider

who were kept in the same prison. She was put in the "sedative cell", the so-called bunker, in Ossenorf prison."

1982 Bernd Roßner in Straubing:

"On November 18 they sentenced me to seven days' close confinement after a scuffle in the night. In the confinement cell you do not get anything except the bible; nothing to read, no radio, no tobacco, no coffee, no visitors, no mail, interdiction to write. I had the exceptional privilege to be allow to get letters, but in the seven days exactly seven letters were intercepted."

1983 Bernd Roßner in Frankenthal:

"From the beginning of the dirt strike on April 18, 1983 Bernd Roßner is incarcerated in close confinement. The floor, ceiling and walls of the cell were covered by white tiles, the cell was illuminated by glaring neon tubes and completely empty. An air conditioning that blows hot dry air into the cell caused asthmatic breathing problems. No visitors were allowed. No letters except to and from the lawyer were allowed."

2. Brutal forced feeding during hunger strikes

1974: Holger Meins was forcibly fed on September 30, 1974, on the 13th day of his hunger strike. He was the first of the 80 political prisoners who was subjected to this treatment. His Report dated 12.10.1974 (see Appendix 29).

"Since September 30, i.e. since 12 days, they carry out forced feeding once a day. I walk to the room where they do it on my own, escorted by 5 to 6 prison warders, 2 to 3 ambulance men and 1 doctor. The warders pull-drag-force me on the operation chair. Actually it is an operation table with all luxury imaginable; it can be rotated and twisted, it can be turned into a chair with armrests etc. Then comes the fettering: two handcuffs around the ankles, one leather belt (30 cm broad) around the hips, two leather belts around the left arm, same with the right arm - belts around elbow and wrist -, and one belt around the chest. A warder behind me fixes my head with both hands and presses my head against the operation chair.

Forced feeding: They take a read "stomach tube" that is as thick as a middle finger. The tube is lubricated but it cannot be inserted without retching since it is only slightly thinner than the gullet. Retching can only be avoided if one is calm and cooperates. If you are agitated the insertion of the tube immediately causes gulping and vomiting, then convulsions in the chest and stomach region that increase in intensity as long as the body tries to resist the procedure. A continuous retching, gulping accompanied by regular large scale convulsions. It is only bearable if you are silent, relaxed, sedated and if you breath regularly.

...
I suffered a lesion of the gums through the insertion procedure, the lips are inflamed, the larynx pains permanently and I have a sore throat.

The operation takes 3 to 5 minutes. Following it I have to "rest" on the chair with fetters on and head fixed until I have "calmed down". The physician refused to tell me his name..."

On November 9, 1974 Holger Meins died of starvation. (see pp.70ff)

In March and April 1977 the prisoners began another collective hunger strike demanding an end to the solitary confinement that most prisoners were subjected to. Again physicians carried out forced feeding in a brutal way. Women prisoners in Hamburg report:

"20-4-77: Weighing and blood test by force, since hours the prison is closed, no visitor, no contact with other prisoners allowed or possible.

A squad of policemen precipitates into the cell, Brigitte's glasses are taken away, in front of the cell a lot of policemen in civil clothes.

21-4-77: forced feeding for the first time. Ten policemen hurl into the cell, they jump on me, hold me by my hair and pull me down the stairs into the cellar. My arms are pulled behind my back until it pains etc. Sanitary men, physicians, Dr. Friedland who carries out the forced feeding and Mr. Sauer overlooking the ill-treatment. Put down on the plank-bed. Legs and arms are pulled apart and fastened. The head is on the bed. They try to insert a tube through the nose and at the same time force a wedge between my teeth. From two sides they press their thumbs against the jugular vein of my throat and the air-tube to force me open my mouth." (see appendix 28)

Other reports about forced feedings

1978 Report by Hanna Krabbe dated 6-12-78 (see appendix 31)

1981 Report by Karl-Heinz Dellwo dated March 1981 (appendix 32)

1981 Report by Sigurd Debus dated March 1981. Died during the hunger strike. See chapter on Sigurd Debus pp. 130 ff.

3. Withdrawal of drinking water

In order to force the prisoners to end their hunger strike the prison authorities even withdrew the drinking water.

1972 - Excerpts of a letter from the director of the prison in Köln-Ossendorf to the prosecutor at the BGH concerning Ulrike Meinhof (dated 4-7-72; Az:1F)

"...The prisoner refuses to eat since July 2, 1972... Furthermore the water has to be turned off in order to control her intake of water exactly. This measure was absolutely necessary for medical reasons. Besides the prisoner gets a drink enriched with vitamin B12 and glucose once a day..."

gez. Bucker
LEITENDER REGIERUNGSDIREKTOR

The prison authorities put soap into Ulrike Meinhof's washing water to make it undrinkable.

1973 - During the hunger strike begun on May 8, 1973, Andreas Baader was withdrawn all water from May 30 onward. For 8 days before this date he had only been supplied with a small portion of the 1.5 litres of water required daily.

1974 - From October 14 to 18, 1974 (during the hunger strike of 80 political prisoners) Ronald Augustin was cut off all water supplies in the prison in Linden. One day later (19-10-74) his health had deteriorated so much that he had to be transferred to the university hospital in Hannover. Physicians in this hospital were shocked and enraged when they learned that Ronald Augustin had been withdrawn drinking water.

Assaults
4. Attacks on Prisoners

8-8-1977 Stammheim, report by Ingrid Schubert

Six warders attacked Werner who had shouted that they should keep their hands off Ig.; they beat him up and pushed him and Ia., and later Le. and W. into an empty cell. They saw to it that they always fell on their heads on the back against the table or the book-shelf. In front of A.'s cell they were thrashing Jan. I shouted at them but Haug pushed me away. Next to me I saw G. on the floor knocked down - it seemed to me that their brutality culminated in their treatment of G. One of them had her face in his hand and pressed it down, two pulled her legs, the fourth twisted her arms on the left side of her body and tried to kick her in the side. It looked like an attempt to murder her. I make an attempt to reach her, but at the same moment six warders seize me, and I can just recognize G. being thrown on the floor for a while before the same happens to me: I am thrown back and forth until they knock me down. I fall on the ground with my head. When I tried to defend myself against their treads in my ribs and kidneys, Haug with all his weight kneels on my head and presses me on the floor, pulls my head up and knocks it down on the floor five or six times. After five minutes they dragged me 30 metres into the other end of the tract. They threw me into Ia.'s cell in such a way that I again fell on the back and the head. I only remember waking up lying on the floor. I do not know how much time I was lying on the floor. Then there was the nausea. I was finished.

At 2 o.m. they started the second round. One after another, they pulled us out of the cells, in which they had locked us up. The ten men were lead by Haug, Großmann and the drunkard. They tried to push A. out of the cell, but he offered resistance and therefore they did not touch him. Afterwards they haul Ig. out of my cell and knock him into an empty cell. I can hear them beat him up. En passant Haug threatens me 'it will be your turn, soon, you pig!' (see appendix 33)

After this event the group of eight prisoners who had been the first to be allowed to remain together was again dissolved.

25-9-78 Karl-Heinz Dellwo in Köln-Ossendorf:

"On Sunday morning they pulled me out of my cell, and pulled me into the cellar where they forcibly threw off my clothes. They fixed me to the iron rings in the bunker. On my way to the cellar they drop and push me on the ground frequently, the joints are badly torn, and at every door that has to be opened one policeman hits my testicles or my collar-bone.

In the bunker, while my face is turned to the cement of the floor and I am still able to move, Grimm lets himself fall on my head that is hit by his knees." (Quotation from a letter of Dellwo sent to his lawyer H.H.Funk on September 30, 1978).

11-11-82 Bernd Roßner in Straubing:

"On November 11, 1982 a police-raid took place in his cell as was done with all political prisoners. Bernd was sticken down by Mr. Milke, the deputy prison director, who - by the way - is also responsible for the interception of letters and the rejection of visitors. Milke and some prison wardens twisted his arms and legs and held his mouth shut, and closed his larynx, so that he could not shout and inform other prisoners. Besides they sprayed tear gas into his face causing inflamed eyes, nausea and a swollen face for several days."

15-11-82 Andreas Vogel in Celle:

When the prisoners told the visitor that political police had occupied and raided the tract, and that they now tried to prevent the information thereof to be known outside the prison, without warning Mr. Dahms jumped onto his neck from behind and took him by the throat. With the left hand he pulled Andreas' hair, knocked him down from his chair and kicked him into a corner of the visitor's room. As the prisoner demanded that the visitor called at lawyer, Mr. Dahms hit his head on the floor and shouted (verbatim):
"if you do not keep quiet immediately, you'll be quiet for ever"
and - still strangling him further -
"one more noise and I'll finally strangle you!"

Although the prisoner could not pronounce a word but only rattled in the throat, Dahms continued the strangulation. He tried to push the larynx into the throat. The prisoner nearly fell unconscious due to this ill-treatment."

19-11-82 Helga Roos in Stuttgart-Stammheim:

"On Friday (Nov 19) I was summoned to go to the room where we meet with lawyers: this is only done once a week during the regular raids in the cells.
When I passed by the bathroom, Mr. Konrad attacked me in the rear. As the blow came unexpectedly, I fell with my face on the floor and could not prevent anything. After the fall I had a terrible head-ache that is now continuing for 8 days. The cheek is still hurting. At the wrist and on the legs there are several effusions of blood. After the fall they dragged me into an empty cell and kept me there for two hours."

11-11-82 Adelheid Schulz reporting about her arrest

Taking the finger-prints:
They handcuffed me with hands on my back: there fetters were so narrow that the hands turned blue. Then they took my arms and legs. I do not know how many men participated, there were about 15 men. Every limb was twisted, arms and legs. My head was pressed on the table: as a consequence the head is swollen behind the left ear. In this position they took my finger-prints. The thumb was bent until it nearly broke. The other fingers were forced apart. Then a sort of wire was pulled around the finger and under the finger-nail. They exerted an unbearable pressure on the finger as if they were going to squash the top of the finger. In-between they released the pressure, and then continued again until I could see the stars."

11-11-82 Brigitte Mohnhaupt:

"The officer of the Federal Criminal Office who was the commander-in-chief of the 2-day-operation, called Peter

(the same as on the DPA photograph showing Heidi in front of the BGH), had bored his nails under my nails so that I could not bend my fingers. He also applied a grip of the temporal region that made all of us shout. Having finished taking finger-prints they called for the photographer. But when I tried to avoid being photographed he (Peter) pulled my head up by my hair. No lawyer was allowed to watch the measures."

29-3-83 Bernd Roßner in Straubing:

"On March 29, 1983 my defendant Bernd Roßner imprisoned in Frankenthal was attacked and sticken down by a squad of 10 policemen.
They strangled him, twisted his arms behind the back, and put on handcuffs that were too narrow. He fell whe his legs were pulled from behind: in such a way, being beaten and kicked, he dragged to the close confinement cell with his face on the ground.
On the way down to the cellar several wardens pulled his legs apart and one of them continuously tread on his testicles. The wardens used the handcuffs around the wrists behind the back as carrying-strap, while the legs were pulled and the feet were twisted.
The grips were applied in a conscious and trained way in order to cause as much pain to the prisoner as possible. When they reached the cellar the wardens pulled off all his clothes, tore them to pieces and locked him up in the confinement cell naked as he was." (Press release by Bernd Roßner's lawyer, Mathies dated 31-3-1983).

31-8-84 Anne Holling is transported naked from the prison in Esson to the prison in Bielefeld:

"On August 31, 1984, just before 6 a.m. Anne Holling was woken up by female wardens. She was summoned to get ready for the transport to Brackwede (Bielefeld). She refused to obey... Few minutes later about 15 men occupied her cell. Mrs. Holling was naked at that moment and stood with the back to the wall. One of the invaders took a chair and tried to attack her with it. She could escape this attack but was thrown on the bed by other members of the commando. Her arms were twisted and pulled, and she was treated in a way to cause pain. The attackers took her by the throat and kept their hands on her mouth so that she could not breathe. She was pulled upright with her arms on the back and - still being naked - dragged along the corridor, down the stairs to the cellar. In the confinement carcer her legs were out in fetters, her arms were handcuffed behind the back. In the prison the radio was turned on and played very loudly, obviously in order to give her the impression that no one could hear her. Nevertheless the other prisoners had listened and noticed that she had been attacked: they raised their voices in protest against the treatment. Naked, fettered and wounded Mrs. Holling had to remain in the carcer for 3 hours. Then she was pulled to a transport vehicle accompanied by a squad of policemen. A number of prison employees formed a lane to watch the procession. The transport vehicle had been placed close the exit door of the prison in order to prevent anyone from seeing the transport of the ill-treated and naked woman. When Mrs. Holling was not able to climb the vehicle since she still remained fettered, she was pushed into the vehicle and strangled brutally in order to prevent her from shouting. In the transport vehicle she was put in a cell and chained to the chair by her arms. For 3 hours she was naked while being driven to Brackwede... When she demanded her clothes she was covered by an overcoat. Upto her new cell she was accompanied by the commando."

The way this transfer was carried out is a striking violation of the human rights of the prisoner. The transport was purposely carried out in a way that humiliated and insulted the prisoner. Mrs. Hoiling is right in interpreting the behaviour of the prison authorities as being aimed at ruining the personality of prisoners through extremely offending treatment.
(Lawyer's denunciation, dated 18-9-84)

5. Violent methods of investigation against prisoners

It has become a common practice to use political prisoners forcibly as evidence against themselves or each other. For example, blood and spittle is taken and hair is cut by force. Political prisoners are forcibly confronted with witnesses. For such purposes prisoners are subjected to all sorts of treatment to change their exterior: hair cut, erasure, putting on glasses etc. All this is done against the explicit will of prisoners who are forced to endure the treatment.

23-10-78: report by Stefan Wisniewski about a forced confrontation with witnesses.

"...I was chained to a chair with hands behind the back. Then someone came and said I had to have my hair cut. Despite handcuffs, four policemen from the Federal Criminal Office held me, one pushed his knee into my stomach, another pulled the fetters, the fourth fixed my head. The hair was rather pulled out, not really cut. After the first act they cut my beard and hurt the skin... After 15 minutes I and chair on which I was fastened was carried upstairs to the second floor for confrontation. It is cynical to be carried like in a sedan chair being handcuffed. On the second floor there were 5 "doubles", all of them policemen. I was to be the second person shown. I shouted when I was carried into the hall. They pulled my hair in order to show my face." (see appendix 34).

22-6-1984 Gynaecological exploration of Manuela Happe on the day of her arrest:

On July 19, 1984 attorney Gerd Klusmeyer filed a case on behalf of his defendant Manuela Happe. During ----- in the police office Esslingen Manuela Happe was ill-treated: her arms were twisted behind her back, her head was pulled up by her hair. This caused a long-lasting headache. When the policemen took her finger-prints they did not mind causing blows all over her body. After this she was forcibly examined medically. She was forced on a gynaecological chair by three policemen and two police-women, while two officers of the Federal Criminal Office pulled her legs apart. As a consequence she suffered considerable injuries....
As supplementary information attorney Klusmeyer declared in his letter dated August 10, 1984: His defendant was naked during the gynaecological investigation... According to the inquiries direct force had to be applied in all cases against Manuela Happe.... Because as a consequence of her behaviour she was suspected to be a terrorist and because she had refused to undergo an examination of her genitals by two female officers there was reason to believe that a postponement would endanger the success of the examination. Therefore the directive by EKHK Mr. Ring according to § 81a Abs. 2 StPO was correct and justified."
(Quotation from the suspension decree of the public prosecutor Stuttgart dated 10-6-85, 3 Js 30204/85.)

Nobody can be forced to charge himself. Therefore nobody can be forced to be used as evidence against himself. All such practices are illegal. (Violation of Article 9 and 14 of the Pact).

V.

HOMICIDE OF PRISONERS FROM THE RED ARMY FACTION (Art. 6 of the Convention)

State agencies in the FRG have murdered several prisoners of the Red Army Faction.

1. HOLGER MEINS 1)

Holger Meins took part in the big hungerstrike of the RAF prisoners (13.9.74 - 4.2.75). The reasons and aims of this hungerstrike have been explained 2) by the RAF prisoners in their hungerstrike declaration, dated 13.9.74.

The Federal Prosecutor and the Federal Criminal Office kept themselves continuously informed on the state of health of the RAF prisoners. They, as well as the presiding judge in Stammheim Dr. Prinzing, were informed through numerous urgent applications by the lawyers that, especially in the prisons in Schwalmstedt and Wittlich where at that time the prisoners Andreas Baader and Holger Meins were being held, the medical care by the prison doctors was not determined by a concern for the physical wellbeing and the lives of the prisoners on hungerstrike, but was directly aimed at forcing the prisoners to break off their hungerstrike through the painful procedures during force feeding and by means of other measures - especially withdrawal of water. The defence counsel therefore demanded several times that doctors of the prisoners' own choice be admitted to examine and treat the prisoners as well as the immediate transfer of the male prisoners Baader, Meins and Raspe in Stuttgart-Stammheim where prisoners were given proper medical care during force feeding. 3)

The demand that doctors of the prisoners own choice be admitted to examine and treat them was made by the defence counsel according to para. 91 of the "General basic principles of the United Nations for the treatment of prisoners" dated 1955/57, which state:

"Based on a well founded application, a prisoner on remand has to be given permission to be examined and treated by a doctor of his own choice if it is possible for him to pay the expenses involved."

1) Appendix 7.2.1977

2) Appendix 12

On 6.10.74 the lawyer, Dr. Croissant, filed an application to allow the medical examination of all defendants in the Stammheim trial by doctors of their own choice. In the same application the defence counsel urged once again that the male defendants should immediately be transferred to Stammheim. The application has the following wording:

"The doctors employed in the prisons have without disagreement, tolerated or have actively taken part in the special treatment of political prisoners, i.e. their systematic confinement in conditions of isolation over many years. As integrated parts of the state prison system they neglect their medical duties and keep silent about isolation, torture and brainwashing which are practised on the political prisoners to destroy their identity and blackmail them into making confessions. The prisoners therefore refuse to be examined by a prison doctor.

"Because of the extreme urgency we request a decision on the application according to 33, para. 4 clause 1 StPO, without a prior hearing in the presence of the Federal Prosecutor.

"The examining magistrate has already - because of the urgency - ordered the force feeding of all prisoners without a prior hearing in the presence of the defence counsel. A photocopy of the examining magistrate's decision, dated 27.9.74, is attached.

"After receipt of the indictment, the trial court is responsible for making a decision on this application. For the examination of the prisoners, doctors of their own choice are being named."

The court rejected the application on 14.10.74 and gave the following reasons:

"The defendants are on hungerstrike but refuse to be examined by the authorised prison doctors. They demand the admission of 'doctors of their own choice'.

"The defendant Baader is presently a convicted prisoner and therefore the court is not competent to make decisions in his case (compare court decree, dated 8.10.74 - 2 ARs 27/74).

"Regarding the other defendants, the application does not prove that the doctors in the various prisons are neglecting their duties or are not aware of their responsibilities. For the

"defendant Meinhof the court has already come to a decision (compare decree, dated 4.10.74 - a ARs 22/74). For the defendants Ensslin, Meins and Raspe, for whom no new facts have been presented, the same applies. The court would also like to point out that it is not in the habit of making decisions on applications which include defaming accusations."

signed Dr. Prinzing Dr. Foth Dr. Berroth

Because of the brutal force feeding of Holger Meins the counsel for the defence von Plottnitz brought an action on 15.10.74 against the doctor in the prison Wittlich, accusing him of inflicting bodily injury while on duty. It gave the following reasons:

"As prison doctor in the Wittlich prison, the accused is responsible for the way in which force feeding is being conducted. The force feedings are being carried out daily under his personal instructions and participation. As a doctor it should be the duty of the accused to conduct the force feeding as a process of artificial feeding according to the rules of medical ethics - as carefully as possible for the defendant. This would first of all mean the use of the kind of tube which is being used in hospital when feeding patients artificially. Their diameters are constructed in such a way that the danger of tearing and of injuries to the throat and gullet mucous membranes are avoided as far as possible. The diameter of the tubes used in the medical field is between 14 and 16 Charrieres and they are as a rule inserted through the nose.

"Compared to this the accused uses a tube which is only slightly thinner than the gullet of the defendant and the insertion of this kind of tube into his throat is aimed at forcing the defendant to break off his hungerstrike by inflicting pain and agony on him during the daily procedure of force feeding. The accused is willing to put up with severe risks to the life of the defendant. Because of the convulsions which occur during the force feeding procedure, and which so far have not led to a discontinuation or to a changed method in this procedure, a constant danger of suffocation or a respirative paralysis exists.

"The accused also tolerates the further torment of the defendant which is inflicted by some of the prison warders present at the

force feedings. At some of the force feedings leather straps and handcuffs which are used to strap down the defendant have been pulled so tightly that the defendant had severe pain and the blood circulation was impaired. One of the prison warders participating in the force feedings, presses the head of the defendant so hard against the head rest that he incurs considerable pain - without being reprimanded by the accused.

"Neither in the criminal procedure nor in any other legal orders, is there a judicial basis for the described behaviour of the accused. The behaviour of the accused is not determined by a concern for the physical wellbeing of the defendant, but is quite obviously aimed at forcing the defendant to break off his hungerstrike.

"Since 16.9.74 over 40 political prisoners are on hungerstrike in several prisons in the FRG and W. Berlin. As far as force feeding has been started - and as far as we are informed - force feeding has only in one further case been conducted in such an agonising way as in the case of Holger Meins. This concerns the remand prisoner Ronald Augustin, who is imprisoned in Hannover. In the case of the remand prisoner Augustin, a paralysis of the respiratory muscular system has already occurred once. The lawyer of this defendant has also brought an action.

"We request to question the accused immediately after receipt of this indictment with regard to the charges according to 133 StPO, because only this will make it possible to prevent the accused from inflicting further bodily injuries on the prisoner in the future.

"We request further, to be informed immediately of the reference number of the preliminary proceedings which will be instituted on receipt of this charge. As the prisoner intends to appear as co-plaintiff in the criminal proceedings against the accused, we also request you inform us on your own accord about the progress of the inquiries.

signed: von Plottnitz"

On 15.10.74 a copy of this charge was sent to the presiding judge Dr. Prinzing with a covering letter by the lawyer von Plottnitz. In the covering letter it was proposed:

1. to prohibit the doctor in the Wittlich prison, Dr. med. Hutter, immediately from carrying out any medical activity with regard to the defendant Meins,
2. to allow a doctor who has the trust of the defendant Meins, to be present at future force feedings by other doctors employed by the county Rheinland-Pfalz.

The reason for this application reads as follows:

"In the interest of the physical wellbeing of the defendant a judicial decision with regard to the above mentioned charges as well as to our application, dated 7.10.74, is now imperative. Because of the requested presence of a doctor of his own choice we refer to the application already made by the co-defender, Dr. Klaus Croissant.

"We also request to be informed of what kind of nutritious components the nutriment liquid consists of which has so far been used for force feeding and how much of this the defendant has been given at the daily force feedings.

"We attach a written declaration by the defendant in which he absolves Dr. med. Hutter from his professional duty to observe medical confidentiality.

signed: von Plottnitz"

All the relevant documents were not only sent to the 2nd Criminal Court, but were also either passed on by telephone or copies were sent immediately to the Prosecutor's office.

Even though these facts were known, the presiding judge Dr. Prinzing did not order the examination of the defendant by a doctor of his own choice. The examination by trusted doctors of all defendants had been refused by the 2nd Criminal Court on 14.10.74. Following the application, dated 7.10.74, by the lawyer von Plottnitz to use only nose tubes with a certain diameter at the force feedings, it was merely decided on 22.10.74 to use a tube at force feedings which could be inserted through the nose. The other points were rejected.

The reasons for this decision were as follows:

"The defendant is being force fed. According to the prison doctor a 12mm strong tube is being used which is inserted through the mouth. A thinner tube could be used but would have to be inserted through the nose. The prison does not see itself in a

position where the medical and nursing staff are able to do this. According to the Government Medical Officer Dr. Lang, who has ordered a tube which is inserted through the nose for the prison in Stuttgart-Stammheim, this is a common method. A specialist is not necessary for this. According to the requirements of 119 para. 3 StPO the more considerate method should be chosen, when this is possible. That is the case here. The provision of the necessary medical staff is left to the prison administration. Organisational problems do not, as a rule, stand opposed to a legally advisable directive.

"The other points in the application of 7.10.74 are not substantiated. It is not up to the court to give instructions to the doctor on the quality of the tube he is using, its strength and suchlike. Drinking water is not being denied to the defendant; a directive for this is not necessary.

signed: Dr. Prinzing Maier Dr. Berroth"

With regard to the further applications by the counsel for the defence, dated 15.10.74, to prohibit the doctor of the Wittlich prison from any further medical activity in connection with the treatment of Holger Meins, to allow a doctor of his own choice to be present at future force feedings and information about the exact amount of nutriment given to Holger Meins neither the presiding judge, Dr. Prinzing, nor his deputy, Dr. Foth, made any decisions, despite the obvious urgency for judicial intervention.

Not until 21.10.74 did the 2nd Criminal Court decide on the complaint, dated 5.6.74, which the defence through the lawyer Dr. Croissant had lodged against the decision of the examining magistrate. In this decision the transfer of the male prisoners to Stuttgart-Stammheim had been refused. The court had taken 4 months to decide on the complaint although the defence had pointed out through the lawyer, Dr. Croissant, on 3.7.74 the extreme urgency of the transfer as follows:

"We assume that the complaint has by now been passed on to the court for a judgement.

"With regard to the explanations given in the written complaint,

the orderly preparation of the defence can no longer be drawn out by the delay in the transfer.

"The impression should therefore be avoided that the Federal Attorney's Office and its auxiliary agencies, especially the State Security Department of the Security Group in the Federal Criminal Office are making the decision about the transfer and the police exercise involved in this.

"A copy of our complaint is attached, in case that it has not yet been presented to the examining magistrate.

signed: Croissant"

The court judgement regarding the transfer which was finally passed, dated 21.10.74, was officially given to the counsel for the defence only after the death of Holger Meins. It stated:

"The Defendant Baader is to be moved to the prison Stuttgart-Stammheim in the week after November 2, 1974 at the latest, the defendant Raspe and Meins at the latest by November 2, 1974.

signed: Foth Maier Dr. Berroth"

With regard to this transfer decision the Federal Prosecutor wrote the following to the court on 24.10.74:

"For the completion of a transfer I propose - according to the usual practice when transferring these defendants - to make the following arrangements:

In view of the increased danger of escape, the known liberation plans of members of the criminal group and the behaviour of the accused so far the defendant should be strapped down during the transport.

"The transport of the defendant will be carried out by members of the Federal Criminal Office. I request therefore that the governor of the prison in Wittlich be informed as to the handover of the defendant Meins to the officials who are responsible for his transport, and to inform the governor of the Stuttgart prison to receive him.

"As a prior hearing of the defendant could endanger the objective of the instruction, I request to abandon this according to 33 para. 4 StPO.

"The transport of the defendant will need thorough preparations and security measures. I must therefore point out now that the transfer dates mentioned above cannot be adhered to. But I will try to expedite the matter as quickly as possible.

signed: I. A. Zeis"

The statement in the letter by the Federal Attorney General, dated 24.10.74, that the transfer dates could not be adhered to because of "thorough preparations and security measures" is an obvious lie. In reality the Federal Criminal Office had all the material and personnel available to carry out the transport with no effort within the given time.

This is also demonstrated by the transfer of Gudrun Ensslin and Ulrike Meinhof who had already been transferred in April 1974 to the Stuttgart-Stammheim prison, the place of their trial.

After receiving the letter from the Federal Prosecutor, dated 24.10.74, the 2nd Criminal Court of the Court of Appeal in Stuttgart extended the latest transfer date of the defendants Meins and Raspe by a further 2 days until 4.11.74, as the assisting judge Dr. Berroth confirmed to the journalist Bauer from the Reuter agency.

But the date of 4.11.74 was also not met by the Federal Prosecutor and the Federal Criminal Office, neither Holger Meins nor Jan-Carl Raspe were transferred to Stuttgart-Stammheim.

On Friday, 8.11.74, Holger Meins phoned the lawyer Laubscher in Heidelberg during the late afternoon from Wittlich prison and told him that he was in a very bad state of health. He said, "I cannot get up any more." According to the impression of lawyer Laubscher, Holger Meins had considerable difficulties in speaking clearly and to concentrate.

Because of this phone call by Holger Meins, the lawyer Haag drove to Wittlich on Saturday morning, 9.11.74. He arrived there shortly after 11.00 a.m. After Haag had been recorded in the visitors' book, a prison security official appeared after a certain time and explained that Holger Meins "allegedly" could no longer walk from his cell to the visitor's cell. By using

the word "allegedly" the security officer obviously wanted to give the impression that the prisoner Meins was only simulating his condition. With regard to the information from the security officer Haag requested he conduct his talk with the prisoner Meins in his cell. This was refused to him by the security officer with the explanation that nobody was allowed to go into the cell of Holger Meins without the permission of the prison governor and the Ministry of Justice. On the strength of that Haag stated that he would not leave the prison before speaking to Holger Meins. The security officer finally agreed to contact the prisoner governor. As a result of his inquiry he then explained to Haag that the prison governor was not allowing the lawyer to see Holger Meins in his cell "for security reasons". After trying unsuccessfully to motivate the prison officers present to inform the Ministry of Justice in Mainz and the emergency services in Karlsruhe, Haag left the prison and phoned Dr. Croissant in Stuttgart. A phone call from the prison had not been permitted for the reason that it was not possible to settle the costs for the telephone which was available for use on Saturdays.

At around 12.00 a.m. Haag informed lawyer Dr. Croissant by phone about the situation. He asked him to contact the judge immediately and to file the following applications:

1. to order the Wittlich prison that the lawyer's visit can take place in Holger Meins's cell
2. to order immediately that a doctor of his own choice can visit Holger Meins in prison.

It was not possible for Dr. Croissant to make immediate contact by phone with Dr. Prinzing. He had requested at the beginning of the hungerstrike to have Dr. Prinzing's private phone number for urgent calls but this had been refused by Dr. Prinzing who told Dr. Croissant that he could get in touch with him via the County Court Office. Croissant therefore had to ring there first which meant that much valuable time was lost. At first he got hold of an official named Ginger. Dr. Croissant explained to him that the life of one of the defendants was in danger, to ring Dr. Prinzing on this very urgent matter and to arrange for him to call back. The official replied that he would not take

orders from Croissant. Only after a long exchange did lawyer Croissant manage to convince the official that it was his duty to comply with his request. The official then replied that he first had to ask his superior, a Mr. Stimpfig. Croissant had to phone back a second time after 12 to 20 minutes and remind them once again about the urgency of his getting in touch with Dr. Prinzing. At about 12.30 p.m. Dr. Prinzing finally rang Dr. Croissant who described the situation to him and drew his attention especially to the fact that the condition of Holger Meins was now extremely critical, that he was not able to walk any more and that lawyer Haag had not been allowed to enter his cell for alleged security reasons. Dr. Prinzing explained that he was not able to verify the security considerations mentioned above. Dr. Prinzing was furthermore annoyed that Croissant had rung him on a Saturday. He explained that he was fatigued by the Baader-Meinhof trial which took place five days a week and that he needed the weekend to relax, to be able to concentrate himself on the coming week. In future he would make sure that nobody could get in touch with him at the weekend. Croissant replied that it was Dr. Prinzing's duty and responsibility to:

1. make sure immediately by phoning the prison that lawyer Haag could see Holger Meins, that a simple phone call by him would be sufficient
2. to issue an order that Holger Meins should immediately be seen by a doctor of his choice.

Dr. Prinzing explained that it had already been decided that doctors of their own choice would not be allowed to see the 5 defendants and that it had to stay like that. Would Dr. Croissant please advise Meins to stop his hungerstrike and to eat again. When Croissant pointed out to him that an action had already been brought against the prison doctor for serious bodily injury and serious neglect of his medical duties, that Dr. Prinzing had a copy of this charge and that it was in his power to change the decision, Dr. Prinzing explained that he could not do this on his own and that only the court was able to do this. But that it would not be possible to assemble everybody now and Croissant should try to contact the standby judge. When Croissant once again pointed out to him that none other than he himself was

authorised and able to act quickly and effectively, Dr. Prinzing promised to phone the Wittlich prison to find out if Holger Meins's situation was critical. After about 10 minutes Dr. Prinzing informed Croissant by phone that lawyer Haag was presently visiting the prisoner. No indication that the condition of Holger Meins was deteriorating was given by Dr. Prinzing.

Haag had returned to Wittlich prison after his first phone call with Croissant. There he was told that the visit could be conducted in such a way that Holger Meins would be brought to the administration wing on a stretcher and that the visit could take place there. This procedure had been agreed to by the Ministry of Justice, the prison governor and Holger Meins. Shortly after 13.00 p.m. Holger Meins was carried into the visiting room on a stretcher. He was lying on the stretcher with his eyes closed, his body emaciated to a skeleton. His condition was extremely critical. During his talk with Holger Meins, Haag's conviction strengthened that Holger Meins's life was in imminent danger. Holger Meins showed him his body. He had put toilet paper and paper handkerchiefs into his trousers to hold them up and to prevent the belt from cutting into his hip bones. His talk with Haag was very laborious because most of the time he was only able to whisper. Haag had to press his ear onto Holger Meins's mouth to understand anything at all. Holger Meins managed occasionally, by pulling all his strength together, to manage a slightly louder sentence. Holger Meins told him not to leave him alone and Haag stayed at his side. As Holger Meins's condition continued to deteriorate Haag left him at 15.00 p.m. to try for immediate medical aid and to get intensive treatment started to save his life. Between 15.00 and 15.15 p.m. Haag talked to the prison security officer who informed him that the deputy governor had left the prison and that the prison doctor was away travelling and would not return before Monday. Haag pointed out that Holger Meins was dying and that immediate medical attention was necessary. The security officer did not respond to this but replied instead that Holger Meins had been able only yesterday to go to the telephone and that a doctor had seen him every day. To him it was quite impossible that anything could happen and should a case of emergency occur, which the medical orderly in the prison hospital would be able to ascertain, then the emergency doctor in the town would be called.

When Haag realised that the people in charge of the prison were not present or not reachable he left the prison and reported to Croissant by phone of what was happening.

As Croissant was no longer able to reach the judge by phone Haag dictated a letter by phone addressed to Dr. Prinzing in which he asked him to act immediately to save the life of Holger Meins. The letter had the following text:

"I have today, Saturday 9.11.74, visited the prisoner Holger Meins in the Wittlich prison.

Since 13.9.74 Holger Meins and 35 other political prisoners have been on hungerstrike against their isolation confinement and special treatment, against their destructive imprisonment which is aimed at destroying their revolutionary identity. Their destructive prison conditions are still continuing.

Holger Meins weighs less than 42 kilograms, he can no longer walk, he can hardly talk. He is dying. At the latest he will be dead in 2 days. You are responsible for his death because you are determining the conditions of his imprisonment.

Your responsibility stays with you even if you should phone the prison in Wittlich and should get information about his condition from there.

The fact is that in Holger Meins's case the destructive conditions of confinement are aimed at his death through slow starvation.

You have known from the beginning of the hungerstrike that it will end when the isolation and special treatment have been stopped. You are therefore fully aware of your responsibility.

Allow the immediate presence of one of the trusted doctors mentioned in our letter, dated 6.10.74. As a further doctor I name Dr. Christof Loecherback, 7401 Talheim, Roemerweg 5.

For lawyer Haag:
signed Marieluise Becker"

That letter was taken personally by the lawyers Becker and Croissant to Dr. Prinzing's private flat as it might have taken more time on a Saturday to send it by telegram. Dr. Prinzing came to the garden gate to receive the letter after Croissant had

explained to him via the intercom "I must speak to you at once. Holger Meins is dying." He was informed verbally about the content of the letter when he received it. Marieluise Becker as well as Dr. Croissant pointed out to him that he was able to prevent the death of the prisoner. They insisted that a doctor of the prisoner's choice be admitted. They referred to the application by the counsel for the defence, dated 6.10.74, in which 6 doctors, amongst them leading authorities whose specialist knowledge was above all doubt, had been named. It was explicitly pointed out to Dr. Prinzing that Dr. Juergen Schmidt-Voigt should be asked to come. This doctor had given a medical report on Astrid Proll who, as a result of being imprisoned in the empty wing of the women's psychiatric wing of the Cologne prison where she had also been subjected to acoustic isolation, had been tortured to such an extent that she had become unfit for imprisonment and had had to be released. The demand by the defence lawyers to consult the trusted doctors was denied despite the extremely critical condition of Holger Meins with the remark that Astrid Proll had gone underground after her release.

At the time when lawyer Becker and Croissant were talking to Dr. Prinzing, Holger Meins had already died. The doctor who had been called at 16.00 p.m. by a prison officer could, at 17.15 p.m. only establish the death of Holger Meins.

Holger Meins was 1,84 m tall and when he died his weight was down to 39 kg. He died through slow starvation.

Holger Meins had left the following declaration with his defence counsel Croissant:

"Wittlich, 9.3.74

Should I every die in prison then it was murder - no matter what the pigs will maintain. I will never kill myself, I will never give them any pretext. I am not a Provo and not an adventurer. If they say - and there are indications of this - 'suicide', 'serious illness', 'self defence', 'trying to escape' don't believe the lies of the murderers.

Meins"

If Dr. Prinzing had ordered immediately after the phone call which he had had with Croissant at about 12.30 p.m. on 9.11.74

that Holger Meins be examined at once - if necessary by an emergency doctor - Holger Meins could have been taken at once to the intensive care unit at the University Clinic Mainz and could have been saved. This has been confirmed by Prof. Dr. Frey at the Anaesthesia unit at the University Clinic Mainz, when Croissant was visiting the prisoners Grundmann and Juenschke who had been taken there.

But his life could have been saved with absolute certainty if Dr. Prinzing had insisted that the Federal Prosecutor adhere to the designated transfer dates of the prisoners to the prison Stuttgart-Stammheim. The first date was 2.11.74, later extended to 4.11.74 at the latest. But Dr. Prinzing submitted to the orders of the State Security Authorities even though he knew, since the beginning of October, of the insufficient medical treatment given to Holger Meins. At the same time, from the beginning of the hungerstrike to Holger Meins's death, Dr. Prinzing neglected to inform himself from the prison doctors of the condition of the prisoner.

The Federal Minister of Justice at that time, Vogel, expressed his opinion on the death of Holger Meins in the magazine "Der Spiegel" (16.12.74) with the following words:

"Even the fundamental right for life is not absolute."

At the request of Holger Meins's relatives, lawyer von Plottnitz brought an action on 19.11.74 against the Federal Prosecutor, Buback, the head of the State Security Authority of the Federal Criminal Office (Security Group Bonn), against the presiding judge in the Stammheim trial, Dr. Theodor Prinzing, against the governor of Wittlich prison and the prison security officers, as well as against the prison doctor Dr. Hutter "on account of being suspected of the criminal act of murder", 211 StGB.

Amongst others he stated:

"In view of the information he received at lunchtime on 9.11.74 about the physical condition of the killed Holger Meins the accused Dr. Prinzing should - certainly under the aspect of his duty to have regard to the principle of welfare - have felt obliged to immediately take judicial measures for the medical care of Holger Meins. There is no doubt at all that measures

for the preservation of the health and life of a remand prisoner who is in danger of dying are part of the judicial welfare duty. It was therefore the legal duty of the accused Dr. Prinzing to act immediately at the time of his phone call at lunchtime on 9.11.74 with lawyer Dr. Croissant. The accused Dr. Prinzing should either, as suggested by Dr. Croissant, have permitted the presence of one of the trusted doctors earlier named by the counsel for the defence or he should at least have ordered the prison to immediately start measures for medical care, if necessary by transferring the now dead prisoner to the intensive care unit of a hospital. The accused Dr. Prinzing was authorised to give judicial instructions of the above mentioned kind according to 125 para. 2 clause 3 StPO. Contrary to his remarks made to Dr. Croissant a contact with the other court judges was not necessary. The remarks by the accused Dr. Prinzing must be seen as excuses.

The accused should also not have relied upon the prison authorities or the prison doctor in Wittlich to instigate the necessary measures for the immediate medical care of the dead prisoner. Because the accused knew already before 9.11.74 that the prison authorities and the prison doctor neither seriously wanted adequate medical care nor were they in a position to offer this considering the facilities within the prison. On the strength of an application by the counsel for the defence, dated 7.10.74, Dr. Prinzing's court had to order the prison administration and the prison doctor through a decree, dated 22.10.74, to carry out the force feeding with a nose tube according to the rules of medical ethics. Before that the prison administration had made a statement to the court that they were not able "with their medical and nursing staff" to use a nose tube.

Dr. Prinzing has violated his legal duties to act without delay in a striking and totally unjustifiable manner. At lunchtime on 9.11.74 Dr. Prinzing has - despite knowledge that a danger to the life of the prisoner could not be excluded because of his weakened condition - failed as a judge to order that even the most minimal medical care be provided for the killed prisoner. Through his neglect he has at the very least consented to the death of Holger Meins. If Dr. Prinzing had ordered immediate

medical measures at lunchtime or the afternoon of 9.11.74, especially drips or similar treatment, the life of Holger Meins could have been saved. In this context we refer to the obtaining of the expert witness report in the preliminary proceedings.

The reason for the behaviour of Dr. Prinzing was first of all his disinclination to exercise further judicial responsibility on top of his phone call to the Wittlich prison on a Saturday. This showed itself in his ill-concealed irritation at being bothered at all on a Saturday with information about the extremely critical condition of Holger Meins's health by Dr. Croissant. Considering all circumstances such a motive in the case of the accused, Dr. Prinzing, must legally be regarded as base according to 211 StGB. To that extent the extreme disparity between the behaviour of the accused Dr. Prinzing - his need for a restful Saturday - and the death of Holger Meins caused through his neglect has to be emphasised (compare Dreher, note 18a 211 StGB). Especially with regard to his position as a judge the accused, Dr. Prinzing, must know that he has to undertake everything required of him to save the life of a remand prisoner, irrespective of whether the remand prisoner is on hungerstrike or not. A judicial point of view which values the life of a remand prisoner less than a personal need for rest on a Saturday is incompatible with the position and the responsibilities of a judge in the legal and constitutional system of the FRG and therefore especially objectionable."

The remand prison rules include the following instruction under no. 57:

"Should hospital treatment become necessary the remand prisoner will be admitted to the hospital wing of the prison. The transfer to a public hospital requires the consent of the judge. If the necessary treatment cannot be given to the sick remand prisoner within the prison the governor has to request a decision of the judge."

The Public Prosecutor's Office Trier dismissed the case on 20.8.76 (Reference: Js 1233/74). The decision to dismiss the case is based on an expert report and not on the questioning of the accused or witnesses.

It says:

"With regard to the preliminary proceedings against the prison doctor of Wittlich prison, leading medical officer Dr. med. Hutter on account of negligence leading to death as well as your charge against the presiding judge at the Provincial Court Stuttgart, Dr. Theodor Prinzing, amongst others on account of murder.

I have stopped the preliminary proceedings for lack of evidence. On September 13, 1974 Holger Meins and other prisoners from the Baader-Meinhof group started another hungerstrike....

The hungerstrike was carried out under the pretext to improve the allegedly bad prison conditions....

In reality the hungerstrike was part of a planned fight against the state with the aim to force the release from legitimate imprisonment or at least to put in doubt in the public eye the constitutional legality of the measures taken by the state agencies....

To gain a general view of the nutritious condition and the degree of the inevitable emaciation the prison doctor considered it necessary to examine the urine for aceton content. But the prisoner also refused to pass on any urine....

Therefore the forced taking of urine by way of a catheter was being considered but this idea had to be dropped because of the health risks involved. On September 30, 1974 the judge gave his consent to start artificial feeding which had to be done by force in the operating theatre of the prison hospital. The food was infused daily with a 12 mm diameter tube. It consisted of a fatty soup which had been mixed with 2 raw eggs and carbohydrate in form of roasted semolina. Holger Meins put up a strong resistance. At first it sometimes needed 5 to 7 prison warders and 2 nurses to take him to the hospital. During the force feedings he had to be strapped down onto the operating table. As he would not open his mouth voluntarily a mouth block had to be put into his mouth by force. It was also necessary to fasten the tongue with a metal fingerstall....

Holger Meins as well as you in your position as counsel for the defence objected several times to this way of force feeding....

On October 22, 1974 the 2nd Criminal Court of the Provincial Court Stuttgart ordered that the artificial feeding should in future be carried out with a thinner tube inserted through the nose....

According to the result of the proceedings it has to be considered as proved that Holger Meins did not die as a result of his refusal to accept the supply of a sufficient amount of calories during the time of October 23 until November 9, 1974....

The expert has also examined whether there was at any time any occasion for the accused to admit the prisoner to a public hospital or to a special clinic. But according to his convincing statement there were no sufficient reasons for this. The admittance to a hospital or a clinic was also not necessary because an acute danger to life could not have been assumed as a result of malnutrition. Such a judgement was - according to the expert - not justified because the prisoner succeeded in withholding the gaining of the necessary information for this, his bodyweight and physical appearance. Prof. Dr. Zoellner further stated that it was impossible to foresee the moment of consumption. Sometimes patients live on for months and years where an early death had been expected and were even cured in some cases whereas other patients who had been thought to be out of danger could suddenly die. The expert therefore considers the view of officers in the prison Wittlich and counsel for the defence as incorrect that the early death could have been foreseen; these views are incompatible with medical experiences.... (underlined by us)

Both experts have demonstrated convincingly that it would not have been possible to save the life of Holger Meins in the last few days even if he had been admitted to a clinic. As the energy reserves of his body had been spent the terminal complications could not even have been controlled in a normal clinic. Therefore the temporary absence of the accused on November 9, 1974 was not causative for the death of the prisoner.

Holger Meins did not die because the prison doctor or any other agents of Justice or police have in any way failed. The responsibility for his death rests exclusively with himself and those who have possibly encouraged him to go on hungerstrike and who later failed to dissuade him from continuing.

The decision to dismiss the case was announced the same day on which the Greek defence counsel for the anti-imperialist resistance fighter Rolf Pohle, lawyer Evangelis Giannopoulos, showed the photograph of Holger Meins's corpse at a press conference in Athens for the protection of his client. Also on the same day the formation of an International Investigation Commission for the clarification into the death of Ulrike Meinhof was announced in Stuttgart at a press conference.

The lawyer Rupert von Plottnitz lodged an appeal against the decision to stop the proceedings on the instructions of Holger Meins's father. The appeal was rejected on 8.2.77 by the State Prosecutor in Koblenz. In the trial against the prisoners from the Commando Holger Meins before the Provincial Court Dusseldorf, the lawyer Dr. Croissant submitted on 7.2.77 an application for the questioning of 52 witnesses and experts to bring the following evidence before the court:

"Holger Meins was executed during the collective hungerstrike from 13.9.74 - 5.2.75, prisoners from the RAF against the systematically destructive prison conditions in 8 prisons of the FRG, under the direction of the Federal Prosecutor, Siegfried Buback, and the head of the State Security Department of the Federal Criminal Office and their president, Dr. Horst Herold, by consciously manipulating the point of time which had been decided for his transfer to the prison in Stuttgart-Stammheim. Also responsible for his death are the presiding judge, Dr. Theodor Prinzing, and those of the prison staff involved."

The court rejected this complaint with a statement by the Federal Attorney General at the Federal Court, dated 16.2.77, ref.: 1 StE 1/75. Extract from the statement:

"The allegations made by this lawyer in his application, dated 7.2.77, do not represent one of the numerous verbal blunders, partly caused by a certain agitation, but an obviously long-planned defamation, whose shocking enormity must be recalled here by repeating some especially exemplary passages....

To summarise the following has to be said to the complaint lodged by the lawyer, Dr. Croissant:

1. The complaint has to be rejected as inadmissible as it contains attacks against the state under the cloak of a complaint without any substantive relation to the proceedings.
2. The request to introduce evidence is, as far as it is intended to produce objective facts, to be rejected as inappropriate and without importance for this trial because of the pursuit of aims which are unconnected with this trial and aimed at obstructing the trial. (244 para 3 StPO)".

2. KATHARINA HAMMERSCHMIDT

On 29.6.72 Katharina Hammerschmidt gave herself up voluntarily to German justice, accompanied by her lawyer. She came from Paris. Because of an arrest warrant, which had been issued on 27.11.71, Katharina Hammerschmidt was arrested and kept in conditions of isolation from 30.6.72 onwards.

She had the following pains and had therefore asked since 26.9.73 to see a doctor: sharp pain in her breast, difficulties in speaking, hoarseness, swelling of her neck.

She was finally examined by the prison doctor and a day later by the prison specialist Dr. Loeckel. Five days later an X-ray was taken of her chest, allegedly without any findings. She was not medically treated. Instead it was said to her: "There is nothing wrong with you." In the next few weeks Katharina Hammerschmidt's condition became worse. She had trouble breathing, the speech difficulties and breast pains increased, the neck became nearly as big as her head. She therefore demanded over and over again to be treated. But the prison administration declared: "Just look at yourself now. That comes from going on hungerstrike. For the rest that is a result of your shouting out of the window."

On 16.10.73 she went on hungerstrike. She demanded a medical examination and treatment.

As the prison doctors refused to treat her the lawyer succeeded in persuading a doctor from the University Clinic, Dr. Wenzel, to examine her in prison on 12.11.73. In view of the alarming condition of Katharina Hammerschmidt, he demanded that a series of examinations be carried out immediately. This was at first refused by the prison doctors. But 8 days later she was examined by doctors of the prison under the pretence that Dr. Wenzel would examine her. Again she was not treated. 7 days later she had especially strong suffocation attacks. Only 3 days later - after 64 days of not being treated - she was released from prison on 30.11.73 and admitted to the Clinicum Steglitz and treated.

There it was discovered that she had a tumour the size of a child's head. According to the doctors this could have been recognised earlier and could have been cured. Katharina Hammerschmidt died on 29.6.75.

On her instructions her defence counsel, lawyer Otto Schily, filed an action with the Public Prosecutor at the court in Berlin on 9.1.74 "against the persons responsible for not giving her the necessary medical treatment during the time of her imprisonment on remand because of attempted homicide and neglecting to give medical aid."¹⁾

From the charge:

"At the end of September 1973 Mrs. Hammerschmidt discovered a strong swelling of her neck. She had considerable neck and breast pains as well as severe difficulties in breathing and swallowing. In view of these severe symptoms she requested, on 26.9.73, to see a prison doctor. In accordance with her request she was seen by a doctor on 27.9.73. This doctor declared, after having examined her, that she could not find anything. As a result of this she was, on the same day, 27.9.73, examined by another doctor. On the 1st or 2nd of October 1973 an X-ray of the thorax was taken as well as a blood sample. The results of the examination were at first not given to her. Only at a later date one of the doctors said to her: 'There is nothing wrong with you.' As the swellings of her neck, breast and in her face got bigger every day and the difficulties in breathing and swallowing increased considerably until they resulted in actual suffocation attacks, Mrs. Hammerschmidt went once a week to see the prison doctor on the so-called 'doctor's day' and pointed out to him the deterioration of her condition. But on the part of the doctor there was never any attempt to make a precise diagnosis. A treatment of the illness did not take place. Mrs. Hammerschmidt was only given sleeping pills for the night and similar drugs. Her condition was treated as a trifling matter by different doctors and nurses. One doctor declared: 'Just look at yourself now. That comes from going on hungerstrike.' At another occasion it was said to her that this was the result from 'shouting' out of the window. The doctors remained completely passive in manner throughout even though it was possible even for a layman

¹⁾ Underlined in original

to recognise the daily deterioration caused by Mrs. Hammerschmidt's illness.

After Mrs. Hammerschmidt had informed her defence counsels about her condition they succeeded in persuading Dr. Wenzel from the Clinicum Steglitz to examine Mrs. Hammerschmidt in the women's prison. After an approval for this examination had been procured from the court, Dr. Wenzel visited Mrs. Hammerschmidt on November 12th, 1973. The examination was only allowed to take place in the presence of one of the prison doctors.

In a letter to one of the prison doctors treating her, dated 14.11.73, Dr. Wenzel wrote that a scintigraphical examination had to be carried out urgently. In the letter it was stressed that a tumour could not be excluded and that an examination had to take place at once. November 19th or November 20th, 1973 were suggested as examination dates. After receiving this letter by Dr. Wenzel a prison doctor went to see Mrs. Hammerschmidt and confirmed that the examination mentioned by Dr. Wenzel was necessary. He said literally: 'We agree with the diagnosis of our colleague Dr. Wenzel. You will be examined outside. Prepare yourself for this.' According to a statement by the doctor the examination should take place on 19 or 20.11.73. Appropriate preparations were made, amongst others Dr. Wenzel was being informed that the examination would take place on 20.11.73. He was therefore in readiness on that day. But the move of Mrs. Hammerschmidt to the Clinicum was cancelled at short notice; neither Dr. Wenzel nor the defence counsels were given any reasons for this. Only a rumour reached Dr. Wenzel, that the court had refused to permit the move to the hospital/

The doctors treating her in prison have obviously not protested against the refusal to have her examined in the hospital.

Only on November 28th, 1973 Mrs. Hammerschmidt was taken to the hospital in Moabit under the pretence that Dr. Wenzel would examine her there. The move to the hospital in Moabit took place under a massive show of police strength. In the hospital each door which led to the examination room was manned by 2

police officers with sub-machine guns. The hospital was surrounded by police. The examination was carried out by a doctor working at the hospital. A growth was discovered in her throat. Mrs. Hammerschmidt was not given any details of the examination results. After the examination she was taken back to the prison.

During the night of 28 to 29 November, she suffered an especially heavy suffocation attack. She called for help and one prison warder stayed with her while the other tried by phone to call a doctor. She managed to get hold of one of the principal doctors at the prison. But he refused to go and see Mrs. Hammerschmidt. His words: 'We have been instructed not to do anything with Hammerschmidt; it's too late to do anything for her.' The prison warder then phoned an emergency doctor of the prison who also refused at first to come, and who asked whether she was already 'wheezing'. After the prison warder had answered: 'Yes, she is wheezing, but not for much longer' the doctor finally came and gave Mrs. Hammerschmidt several injections.

On November 30th, 1973 the Court in Berlin decided to lift the arrest warrant against Mrs. Hammerschmidt and to order her release from prison.

On account of the extensive and careful examinations after her release by the specialist for Internal Medicine, Dr. med. Neubauer, and the doctors at the Clinicum Steglitz, the following diagnosis was made:

(a) a mediastinal tumour the size of a child's head and pleura-effusion on the right side. The tumour is the cause of the pressure in head, neck and upper extremities and has led to the formation of a collateral circulation via the frontal thorax wall. This kind of mediastinal tumour is a sarkom which alone because of its size cannot be operated upon.

(b) In addition there exists a decompensated autonomous adenom of the left thyroid gland.

In view of this grave diagnosis Mrs. Hammerschmidt had to be admitted to the Clinicum Steglitz for treatment. Radiation therapy of the tumour was started.

The disregard for the illness of Mrs. Hammerschmidt, which since the end of September had deteriorated dramatically every day - and which was recognisable even to a layman¹⁾ - and the total impassivity of the doctors treating her, amount to factual attempted homicide with limited intent. With regard to their medical knowledge the doctors were obliged to carry out the necessary examinations for a necessary diagnosis. If the available equipment in the prison were not sufficient for carrying out the necessary examinations it was the duty of the doctors to inform the prison administration and the court and to insist on a transfer of Mrs. Hammerschmidt to a clinic where the necessary appliances were available.

But the doctors responsible for her did nothing. They neither diagnosed her illness nor did they start a therapy.

Failure to provide the necessary medical treatment amounts to the fact of failing to give medical aid.

signed Schily"

Dr. med. F. W. Neubauer, specialist in Internal Medicine, who treated Katharina Hammerschmidt, writes in his report, dated 7.1.74: "The delay between the examination by prison doctors at the beginning of October, and the consulting of a competent radiologist from the Clinicum Steglitz on November 12th, 1973, is incomprehensible from a medical point of view - even more so as Dr. Wenzel had already quite clearly expressed his suspicion of a tumour. In my opinion the patient should already at the beginning of her illness - when she repeatedly tried to draw attention to her distinct symptoms - have been examined with all equipment available to modern medicine by competent doctors in suitable institutes.

It is incomprehensible that a radiologist was consulted only on the insistence by the defence counsel for Mrs. Hammerschmidt...

According to verbal information by the Clinicum Steglitz the mediastinal tumour is an immature alveolus sarkom which receives

1) Underlined by us

radiation treatment because it cannot be operated on. In my opinion this tumour had already in September, led to the symptoms which the patient has described. An earlier diagnosis would have made an earlier therapy and possibly even an operation possible.

Berlin January 7th 1974 signed: Dr. med. F. W. Neubauer"

The doctor treating her at the Clinicum Steglitz, writes in his report on 25.3.74 to the court in Berlin:

"When the 30 year old woman was admitted to the surgical unit her breath was in a considerably reduced general state. She had breathing difficulties while resting."

The Public Prosecutor at the court in Berlin stopped the proceedings on August 13th, 1974 - Ref.: 1 P Js 24/74 - without hearing of the accused or witnesses. He questioned 2 medical experts.

On account of their reports he stated:

"Only after Mrs. Hammerschmidt had been released from the women's prison on 30.11.73, did Dr. Neubauer diagnose for the first time in December 1973 that she had a mediastinal tumour. Until then the doctors of the prison hospital and also Dr. Wenzel had diagnosed the ailments as an illness of the thyroid gland. A mediastinal tumour was not considered by any of the doctors, not even by Dr. Wenzel. As far as Dr. Wenzel was talking about a tumour he was talking about a growth in the thyroid gland area.

On the X-ray which was taken by Dr. Husen on August 2nd, 1973 a small shadow was recognisable which Dr. Husen obviously had overlooked. But according to the reports by Professors Dr. Krauland and Dr. Oeser, Dr. Husen cannot be accused of having committed an error....

The demands on this proceedings would be overstrained should it be expected of him to comprehend also changes in areas outside the lungs with sufficient certainty when this had only spread in a very minimal way....

To remove it in an operation would have been - contrary to the view of Dr. Neubauer, not possible....

Moreover, according to a letter by the Clinicum Steglitz, dated 6.2.74, the tumour has nearly completely disappeared as a result of the radiation treatment....

"The governor of the prison for women had to order on October 12th, 1973 the removal of your client to the punishment cell because she became more and more agitated. This cell had been checked medically several times and no objections had been made. This has already been confirmed to you by the district judge Maass in his letter, dated 19.10.73. This measure was approved by a judge....

Criminal acts have insofar not been proven. I have therefore dismissed the case.

signed: Filipak
1st Public Prosecutor"

On instruction by Katharina Hammerschmidt the lawyers Heiner Kraetsch, Harald Reme and Otto Schily filed a complaint against the decision to dismiss the charge on 19.12.74:

"1. The Public Prosecutor has not carried out the inquiries necessary for finding the truth.

(a) The inquiries were left to the accused themselves. According to the instruction by the Public Prosecutor Heinzemann, dated 18.2.74, he did not question the prison governor, Mr. Maas, as an accused who in view of the charge was suspected of co-operation, but has instead involved him in the inquiry proceedings. In the same instruction the Public Prosecutor requests the principal of the suspected doctors to write a report about the progress of the illness. By conducting the inquiries in this way the Public Prosecution has tried to obscure the facts of the case which consequently led to a dismissal of the charges on August 13th, 1974....

(b) Within this context an objective inquiry would have questioned those prisoners who saw Mrs. Hammerschmidt daily at that time as well as those persons who were visiting Mrs. Hammerschmidt at that time according to the visitors files of the prison. The Public Prosecutor would then have found out that in October the prison governor, Mr. Maas, was informed emphatically several times by Mrs. Hammerschmidt's brother, who had medical training, of the severity of her illness. The same applies to the junior barrister Haeusler, who already in the first half of October had informed the people responsible,

especially Mr. Scheddohn, that there was a suspicion of cancer.

A further principle of inquiry proceedings is to secure all documents which are considered necessary for the purpose of evidence especially in a case of such serious charges, to prevent subsequent changes by the accused. With regard to this the Public Prosecutor has also not conducted any inquiries.

- (c) The inquiries by the Public Prosecutor amounted to the obtaining of expert reports.

...They preferred instead to consult Prof. Krauland who, as court medical expert, works very closely with the courts as well as the prison administration.

- (e) After the doctors, especially Dr. Krell and Dr. Loeckel, discovered on 27.9.73, that the circumference of Mrs. Hammerschmidt's neck had increased within a few days from 30 cm to 36.5 cm, that the appearance of Mrs. Hammerschmidt, especially her face and the top part of her body, had changed considerably, both doctors found it necessary to carry out an examination, especially a new X-ray and a blood examination as well as an examination of the cholesterol level. All of these measures were recognised as ineffectual on October 2nd, 1973 because the focus of the changes could not be discovered through these measures. In this context the doctors have to be reproached for not consulting the X-ray pictures taken in August 1973 as part of their examination. The X-ray pictures were in the treatment file of Mrs. Hammerschmidt and were available to the examining doctors at every treatment. After the X-ray from October 2nd, 1973, which had shown no results, they should have looked at the X-ray which was taken a short time before, and should have recognised the changes in the lung area. ...Especially remarkable within this context is the notice by Dr. Loeckel, dated October 16th, 1973:

"Please measure circumference of her neck in 3 months time! If further increased, new examination. signed Loeckel"

This notice makes it quite clear that the treatment of the severe illness of Mrs. Hammerschmidt had been terminated on

16.10.73 by the prison doctors and further treatment was not being considered. The constant claim that Mrs. Hammerschmidt had refused to be treated must in view of this notice be refuted as an impudent cover statement....

In the decision to dismiss the case it has also been neglected to mention that the hungerstrike after October 16th, 1973 was mainly carried out by Mrs. Hammerschmidt because she had been told that there was nothing wrong with her, that she was healthy, that her ailments were imaginary and that a further examination would not take place, which means that all medical help was refused to her. With her hungerstrike Mrs. Hammerschmidt was trying, in her already very weak condition caused by her illness, to force medical treatment....

In view of the serious development in October 1973 and in view of the inactivity of the doctors and the prison administration, the junior barrister Mr. Haeusler described the condition of Mrs. Hammerschmidt in exact details to the responsible judges and public prosecutors. In an application by the defence counsel on behalf of Mrs. Hammerschmidt, dated 12.10.73, to the supreme court to have Mrs. Hammerschmidt examined in a special clinic for an illness of the thyroid gland, it says:

'On Tuesday, September 25th 1973, Mrs. Hammerschmidt discovered a strong swelling of her neck. At the same time she felt strong pressure on her neck which especially affected her windpipe and made breathing difficult for her. A few days before Mrs. Hammerschmidt had measured the circumference of her neck. She had then discovered that her neck measured 30 cm. In view of the swelling she again measured her neck. She now measured a neck circumference of 36 cm. In view of medical knowledge it is clear that there existed the danger of a severe irreparable illness.'

- (g) The behaviour of the doctors as well as the other accused with regard to the examination and treatment of Mrs. Hammerschmidt can also in no way be justified, even if the examining external doctor Dr. Wenzel also talked at first about a suspicion of an illness of the thyroid glands.... As the court's decision to dismiss was primarily based on the fact that no inquiries were made, this decision must be

3. SIEGFRIED HAUSNER

Siegfried Hausner had taken part in an action by the RAF for the liberation of prisoners - the occupation of the German embassy in Stockholm by the "Commando Holger Meins". After the storming of the embassy by a German special unit of the police he was badly injured by police officers who beat him with the butts of their guns: he suffered several fractures of the skull. The Federal Government ordered, on 29.4.75, his move from a hospital in Stockholm to the FRG, even though Swedish doctors had declared that Hausner was not fit to be moved and had called the decision by the Federal Government a "death sentence". In the FRG Hausner was not admitted to a special clinic, but was instead taken to the intensive care unit at Stuttgart-Stammheim. This unit was not equipped to deal with skull injuries. Despite his persistent demands he was not allowed to see a lawyer. Siegfried Hausner died on 4.5.75. Siegfried Hausner's defence counsel, lawyer Croissant, received a letter from the Federal Prosecutor which said that Hausner wanted to talk to him, one day after he had died. This letter was dated 30.4.75 but had only been posted on 5.5.75. ¹⁾

Lawyer Croissant's action, which he brought on 18.6.75 and which he made public at a press conference, led without objective inquiries to a dismissal of the case on 2.10.75. Croissant and another lawyer who had also been present at the press conference, were arrested 5 days later.

From the action, dated 18.6.75, by Croissant:

"To the principal at the Public Prosecutor's Office
at the Court in Bonn

Reference: Siegfried Hausner, who died on Sunday, 4.5.75 in the
prison Stuttgart-Stammheim

here: Suspicion of an offence of deliberate homicide by
those responsible at the State Security Office with
place of residence and/or work in the district of the
Public Prosecutor's office Bonn

1) compare Appendix 36

Siegfried Hausner had been injured by the explosion but he was not in danger of dying. He was fully conscious after the explosion. His behaviour was clear and thoughtful in every phase. The burns were, according to the observations by the surviving prisoners, relatively small. (page 2) ...

Immediately after his arrest Siegfried Hausner received such heavy blows with the butts of submachine guns that he had to be admitted to the Karolinska hospital. Because of those blows he received several fractures of the skull. When he was admitted Hausner was deeply unconscious. (page 3) ...

When Siegfried Hausner regained consciousness on 28.4.75 he was immediately subjected to an "extradition interrogation" by the Swedish authorities.

After that Hausner, who was connected to a drip and who could only breath through a tube in his windpipe, was transported on the same day from Stockholm to Cologne by special plane. He was at first taken to the University Clinic. (page 4) ...

The condition of Siegfried Hausner before his removal and at his arrival in Cologne, was such that only the admittance to the intensive care unit at a hospital, where treatment by specialists would have been possible, could have saved his life. Depending on the degree and size of this burns a treatment in a special clinic for burns would also have been necessary.

The move from Stockholm was already for Siegfried Hausner, according to the statement by a Swedish Doctor, "a clear death sentence". This doctor based his statement on the findings of severe burns and he explained therefore that Siegfried Hausner should have been treated in Sweden in one of the world's leading special clinics for burns. (page 5)

Fact is that Siegfried Hausner was not given the urgently needed special treatment, especially of his skull injuries. Instead he was, contrary to clear medical necessities and at the instigation

of the State Security Department at the Federal Criminal Office (BKA) with the consent of the Federal Prosecutor, moved to the prison Stuttgart-Stammheim under the strictest secrecy even though neither intensive treatment for skull injuries nor for burns could be carried out there. The existing intensive care unit had been installed only for "treatment of the prisoners during the last hungerstrike by RAF prisoners.

The responsibility for the medical treatment of Siegfried Hausner lay with the prison doctor, Government medical officer Dr. Henck. He is a specialist in psychiatry and has therefore no special knowledge in the area of neuro-surgery and burns.

Dr. Henck established that Siegfried Hausner had burns as well as severe skull injuries, especially several fractures to his skull. According to a press statement by the Federal Prosecutor and the Ministry of Justice Baden-Wurttemberg, which is based on the statement by Dr. Henck and possibly other specialists consulted from outside the prison, Siegfried Hausner died on 4.5.75 in the intensive care unit of the prison Stuttgart-Stammheim because of his burns and several skull fractures. (page 6) ...

The death of Siegfried Hausner is - after the death of Holger Meins - a further example that the right to be unfit for imprisonment does not exist for certain prisoners. Nobody can have any doubts that a badly injured prisoner who is fighting for his life should never be moved into a prison with necessarily insufficient medical equipment and with incomplete medical possibilities for treatment. A prisoner who is in such a critical situation must be moved to a hospital which has all material and personal means available to save his life.

The State Security Authorities of the FRG have deliberately acted contrary to this obvious duty. (page 7) ...

signed: Croissant
Lawyer

The Public Prosecutor Karlsruhe refused to start preliminary proceedings - Ref.: 5 Js 296/75:

"We refuse to institute preliminary proceedings. The charge by the lawyers Dr. Croissant and Koll, dated 18.6.75, which the Public Prosecutor in Bonn has passed on to us, contains no sufficient factual criteria for a punishable offence.

signed: Klee

1st Public Prosecutor

THE DEATH OF ULRIKE MEINHOF

Ulrike Meinhof was found dead on Sunday, 9 May 1975, when her cell was opened at 7.45 a.m.

"At 7.40 I established that total rigor mortis existed in both arms", Government medical director Dr. med. Henck stated to the State Police Authority Stuttgart on 9.5.76 according to the protocol, dated 9.5.76 - AZ K1/101 48/76. ¹⁾

In the medical post mortem examination by the Public Health Department Stuttgart on 9.5.76 at 9.25 a.m. - AZ 10 AR 50/76 - it says: "The corpse of Ulrike Meinhof hangs on the left of the two cell windows. ...Underneath the corpse stands a chair with the seat towards the window. (p.1) ...The heel of the left foot rests on the edge of the chair on the right side. The rigor mortis is fully distinct in all joints, also in the finger and toe joints." (p.2)

Neither at 8.15 a.m., when the cell was opened nor later at the post mortem examination and cell search on 10.5.76 were the other prisoners, a lawyer, the sister of Ulrike Meinhof or other independent witnesses allowed to be present. Appropriate applications had been made. At 9.38 a.m. dpa reported: "Ulrike Meinhof has hanged herself." ²⁾

After the experiences of the families Meins and Hammerschmidt, Ulrike Meinhof's sister considered it meaningless to bring an action against persons unknown. She presented the inquiry file to the International Commission into the death of Ulrike Meinhof. The Commission came to the following conclusion:
"The assertion by the state authorities that Ulrike Meinhof had killed herself through hanging is not proven and the results of the examinations by the Commission suggest that Ulrike Meinhof could not have hanged herself. The results of the examinations rather suggest to us, that Ulrike Meinhof was dead when her body

1) Dr. Henck did not receive permission to testify to the International Inquiry Commission from his employer. s. Appendix ... p.78

2) for the public statement of the alleged suicide s. appendix

was hung up and that there is disturbing evidence which points to an intervention by a third party in connection with this death.

The Commission cannot make positive statements about the circumstances of the death of Ulrike Meinhof. Despite this every suspicion is justified in view of the fact, that the Secret Services - in addition to the prison staff - were able to enter the cells on the 7th floor through a separate and secret entrance. (appendix p.6)

(see page 6 of the "International Investigation Commission - the death of Ulrike Meinhof, Tubingen 1979)

The political function of the alleged suicide in May 1976 is further documented particularly in the IUK Documentation

- V. The Logic of the Liquidation p.64 particularly
2. The Background: The Attempt to define Ulrike Meinhof's actions as individualistic and pathological p.65
3. "Suicide" within the context of the trial at the time p. 69 ¹⁾
4. Psychological warfare after the "Suicide" p.70

1) Compare Evidence in the Stammheim Trial on 4.5.76, particularly application to "Methods by which the BRD supported the illegal war of the US against Vietnam. The applications were refused by court in Stammheim on 22.6.76

4. THE DEATH OF ANDREAS BAADER, GUDRUN ENSSLIN, JAN CARL RASPE;
SEVERE INJURIES TO IRMGARD MOELLER IN THE PRISON STUTTGART-
STAMMHEIM IN THE NIGHT OF 17/18 OCTOBER 1977

"Within the context of all the measures during the last six weeks, and remarks by the prison officers, the conclusion can be drawn that the administration or the State Security, who - as mentioned by a prison officer - are now permanently on the 7th floor - are trying to provoke one or several suicides, or at least make them seem feasible.

To this I state: None of us - that was clear when we were able to exchange a few words, two weeks ago at the door and from the discussions we have had over the years - has the intention to kill him/herself. Should we - as mentioned by an officer - be found dead, then we have been killed in the old tradition of the judicial and political measures of this trial.

This, the defendant Baader stated in the Appendix contained in a letter of complaint to the Provincial Court Stuttgart on October 10th, 1977." 1)

The prisoners were found dead and Irmgard Moeller badly injured in their cells on 18.10.77 between 7.40 and 8.10 a.m. At 8.58 a.m. the Justice Minister Bender, Baden-Wuerttemberg, announced via the dpa (press agency) that the prisoners had committed suicide.

On 19.12.77 the defence counsels for Irmgard Moeller filed a "charge against persons unknown because of suspicion of attempted murder".

"Frau Moeller was found in her cell seriously injured on 18.10.77 by prison officers in the prison Stuttgart-Stammheim. She had suffered considerable stab wounds. There were - as was established later - four stab wounds in the left side of her breast. One or several of these wounds led to an injury of the pericardium. The heart muscle had also been injured but didn't have to be stitched..."

1) Source: Preliminary report by the Government, dated 26.10.77

Frau Moeller has stated the following to the events: "I do not know who has inflicted these injuries on me. I have not inflicted these injuries myself - contrary to the statement made by the official side. I have neither at the time before 18.10.77 ever had the intention to commit suicide nor did I try to commit suicide on 18.10.77.

There has also at no time been an agreement between Gudrun Ensslin, Jan Carl Raspe, Andreas Baader and me to commit collective suicide. On the contrary, it was quite clear for all of us that this would never be a possibility...

There were neither pistols, transistor radios nor explosives in the wing. I am convinced that the same people who have injured me, have also killed Baader, Raspe and Ensslin..."

Frau Moeller will repeat above mentioned statement in a judicial inquiry in the presence of a lawyer.

signed lawyers"

A trial did not take place.

The Public Prosecution Stuttgart suspended "1. the preliminary proceedings with regard to the death of Andreas Baader, Gudrun Ensslin and Jan Carl Raspe on 18.4.78 - ref.: 9 Js 3627/77, 2. drops the charge of the suspicion of attempted murder of Irmgard Moeller ... according to para 170, 2 StPO, because the prisoners Baader, Ensslin and Raspe have killed themselves, the prisoner Moeller has injured herself and a participation of a third party does not exist." 1)

Irmgard Moeller had not been heard. It continues on page 9: "The prisoner was meant to be heard as witness to the events in the night of 18 October 1977. At the inquiry arranged by the Public Prosecutor on 21 October 1977 2) in the University Clinic Tübingen, she refused to make a statement. The intended judicial

1) compare appendix, p 1 and 16

2) Irmgard Moeller's lawyer was only allowed to talk to her on 22.10.77 at 9.00 p.m. for 10 minutes - allegedly because of danger of infection.

questioning, planned for 10 January 1978 in the prison Stuttgart, by the judge of the County Court Stuttgart did not take place. On the one hand the prisoner refused to make a statement without the presence of a lawyer. On the other hand the lawyer Dr. Heldmann - defence counsel for Irmgard Moeller - was not prepared to accept the usual bodysearch, and he could therefore not enter the prison."

The preliminary proceedings were - and are still today - incomplete. In another trial - on 26.4.79 - lawyer Dr. Heldmann and defence counsel for Andreas Baader, proposed "to include the files of the Public Prosecution Stuttgart, ref.: 9 Js 3627/77 - preliminary proceedings into the death of Andreas Baader, Gudrun Ensslin, Jan Carl Raspe - and that they be given to the defence for examination. The knowledge of these files is necessary for the defence in this trial.

The files will show particularly, that the reports of the officially appointed experts have only been partly presented to the Public Prosecution Stuttgart at the time of their decision to stop the proceedings; that with their decision to stop the proceedings, further reports have not been taken into account; that altogether the decision from 18.4.78 does not comply with the condition of the files.

signed Dr. Heldmann, lawyer"

The reasoning was as follows:

"The whole inquiry into the deaths by the Public Prosecution Stuttgart has from the beginning suffered from the fact that its highest principal, Justice Minister Bender, had already early on 18.10.77 at 8.58 a.m. announced through a dpa-statement that the prisoners had killed themselves. At 2.00 p.m. on the same day Government spokesman Boelling stated the same for the Government, in the evening at 8 p.m. the Federal President repeated the same once again to the German tv public. The fact of suicide had therefore - it can be said through every channel - been fully established and after that the Public Prosecution Stuttgart,

whose principal had already given his view sufficiently, was meant to examine the questions. And then the inquiry followed accordingly. Exactly against this method of the suicide theory Prof. Holczabek has on 18/19th during the post mortem examinations, which lasted until 5.00 p.m., and during the viewing of the cells consistently put up resistance. And when he realised - I will give an example for this later - how totally fruitless his objections and appeals to his colleagues were, he refused his further participation in these proceedings.

Point one: Time of death

We can say today, that the time of death for the assumption, that homicide has to be excluded, is meaningless. The stipulation of their time of death has become an especially certain point in these inquiries, because the investigating authorities had forbidden the examination of supravital reactions in the dead bodies. Supravital reactions - to explain that in a few words: we find for example in the best known teaching book on forensic medicine, Ponsold, that the description of these supravital reactions serves to determine more precisely the time of death. It concerns for example the bloodclotting conditions, muscle agitation in the dead bodies and pupil reactions. And these examinations which could have led to a more precise determination of the time of death, the inquiring authorities have forbidden the experts to carry out. As a result there are two versions: the two Germans who say at the earliest 00.15 a.m.; the two foreigners, Hartmann/Zurich and Andre/Brussels, who say from midnight onwards. But we know that the first news of the successful Mogadischu-action were reported at 00.40 a.m. And if - according to the experts - it has to be assumed that the time of death was already before 00.40 a.m., possibly midnight, then the motive, which the Prosecution Stuttgart gives for the suicides, becomes obsolete.

Point two: Position of the Death Weapon

One of the puzzles - but swallowed by the Prosecution Stuttgart - is the position of the weapon after the killing of Baader.

There are on the one hand the statements by the court doctors, who agree that he must have held the pistol upside down with both hands. On the other hand - they assume this from alleged smoke

traces, from alleged blood splashes on the right hand - there are incompatible inquiry results of trace evaluation by the police. According to them Baader must have held the weapon with the handle downwards and fired with the right hand because only this could explain the smoke on his right hand. And only this could explain the position of the cartridge case.

The Prosecution Stuttgart does not bother itself with the contradictions. Prosecutor Christ has noticed the incompatibility of both inquiry results but wants to consider both possibilities, as he writes, and he can therefore keep open one or the other possibility. But this is not a valid result in a most important question.

Point three: "trace 6"

That is the so-called trace 6. Once again there is a contradiction between the assumptions by the court doctors and the results of the trace evaluation by the criminal police, with regard to the death weapon.

The doctors say that the bullet went through the head, then against the opposite wall and then it rebounded from there to its position on the right side of the corpse. The police say: The bullet only left the brain with weak residual force and came to rest right next to the corpse. But then it is questionable what the point of entrance is doing on the opposite wall if the police are right.

And it has not been mentioned ever again, what had happened to this trace 6 which has been described in the report: tissue particles or blood from the cell wall, given to the Forensic Institute of Medicine Stuttgart for examination. There Prof. Rauschke received the instruction to make a histological and serological report. These reports have not been seen even today. (Rauschke stated on 19.1.81 (!) that he had never received trace 6 and never examined it, even though the responsible criminal officer stated to the Prosecution, that he had given the trace to Rauschke on 18.10.77 for examination. The Prosecutor Christ, who was responsible for the investigation, wrote to the lawyer

of J. C. Raspe on 25.2.81:

"Dear lawyer Weidenhammer ... with regard to the disappearance of the tissue particle of trace 6, I have not started inquiry proceedings against Herr. Prof. Rauschke as there is no sufficient factual basis for the existence of a punishable offence. Yours faithfully Christ, Prosecutor".)

Point four: The Gunpowder Smoke

The court's forensic medical advisors, even if they speak with degrees of difference concerning the quantity, the strength, the colour (blue or grey) nevertheless agree on recognisable gunpowder smoke on Baader's right hand. But - says the criminal police - with pistols the smoke in principle leaves from the front, one has to do comparison shootings and it depends especially on the ammunition being used, as there exists ammunition which hardly smokes, which doesn't smoke at all or which smokes strongly. Such an examination has not taken place. There has been no examination of the pistol to see which part apart from the muzzle releases gunpowder smoke. But even if that had been established the ammunition used would have to be examined, that has also not happened. Should such a comparison shooting with this weapon and the ammunition used show that - with the assumed shooting position - a smoke trace could not have arisen, we don't need a lot of imagination to suspect, that a smoke trace on Baader's right hand has been produced artificially.

The Federal Criminal Office states in its report from 15 June 1978 that even a microscopic examination did not show any smoke traces, which includes the discolouring on Baader's thumb as well as the cut out main part of this right thumb and forefinger. Both did not - I quote: "...show any smoke traces".

The same applies to the examination of the corpse of Raspe. Here also a report by the Federal Criminal Office (BKA) exists from 20 June 1978, two months after the proceedings were stopped, that no traces of gunpowder have been found.

Point five: Situation of J. C. Raspe's pistol

The situation of J. C. Raspe's pistol - here we have one of those chapters, in which the decision to stop proceedings by the

Prosecution does not do justice at all to the inquiries. Because we have several witness statements and these from witnesses who were especially qualified for their evidence, because they were the first to enter the cell. Or as in the case of the witness Gotz who took the weapon, who all stated that the pistol was lying in Raspe's right hand. This was stated by the witnesses Listner, Jost, Munzing and the witness Gotz, who had taken the weapon.

It is mentioned in every teaching book on forensic medicine and also widely known: when somebody is interested in making a murder by gunshot appear as suicide, you put the weapon into the hand of the victim after the shooting. This is taught as a golden rule in the teaching books to criminalists and pathologists. But here, in the case of Raspe, it was a 9 mm weapon with an unbelievable recoil speed and shock effect. A skull shot with such a weapon leads immediately to the weapon falling away. It must seem impossible that the weapon stayed in his hand.

But the prosecution ignores these very clear witness statements and declares instead: the weapon was at this hand.

Point six: The Chair in G. Ensslin's cell

There was a highly interesting expert quarrel about the chair on which Gudrun Ensslin is meant to have stood before her hanging.

The witnesses at the time of the discovery of her death all do not talk about a chair. Only the prison doctors, who entered Frau Ensslin's cell in the afternoon between 4.00 and 5.00 p.m. talk about the chair. Which means, the chair appears only in the afternoon. There are statements by the officers Munzing, Misterfeld, Buchert, Sukopp, by Dr. Majerowicz, the prison doctor at that time, who all do not know anything about a chair; in the afternoon it exists. Had there, and this is now certain, been no chair in the hanging situation, then this hanging has to be excluded as suicide.

Then: the experts quarrel in the afternoon. It took place between Mr. Rauschke and his Austrian colleague Holzabek. I now quote from the protocol of the inquiry committee:

"In the case of Ensslin a chair was discovered in the area of the corpse. Prof. Holzabek wanted the chair to stay where it was. I was of the opinion that the chair should be removed and covered up, because there were traces on the seat, plaster, hair, fibres, etc., and I was afraid that these traces could be destroyed. I also argued that in case of somebody else having been involved he might have left fingerprints on the chair. We therefore had different opinions and I said finally that I am the court doctor, that only one of us can have a say, that we cannot all decide. I think that the chair has to be removed and that the chair be replaced by an identical prison chair and be put in exactly the same position. And that is what happened."

This shows amongst others the quality of the experts co-operation. But it is remarkable that this examination of the traces, for which Herr Rauschke had the chair removed against the wish of his Vienna colleague, never took place.

Point seven: The Hanging Implement used by G. Ensslin

The hanging implement used by Frau Ensslin will have to be examined again, because it is questionable whether an electric cable is suitable for a hanging by somebody's own hand.

The court doctors give two main burden points for this electric cable. At the moment when Frau Ensslin jumped from the chair, she therefore fell into the cable sling; and the second special burden phase when she allegedly contorted wildly during the death struggle. But it says in the traces evaluation report, which of course is not included in the decision to stop the proceedings: " ... at the attempt to remove the corpse from its original position the cables tore at that spot at which they were slung around the bars of the cell window."

This incident alone puts into question whether Frau Ensslin was able to hang herself with such an implement, which was not a match to its load. It was also omitted during the traces evaluation to compare the cable ends with those fragments of the cable from which the hanging implement is supposed to have been cut. A highly noticeable omission. There was neither a material examination nor microscopic examinations of the breaking or cutting points.

Point eight: Injuries of G. Ensslin

Frau Ensslin suffered a number of injuries, for which no explanation has been offered. Neither by the people doing the post mortem examinations nor especially in the decision to stop proceedings by the Prosecution Stuttgart.

There are injuries on top of the nose which cannot be as a result of knocking against something during the death struggle, an injury underneath the right side of the mouth, an injury behind the hairline - all remained unsolved: on the left side of the breast, injuries underneath the two wrists, injuries above the left and right kneecap, blood effusion in the area of the left middle finger, injuries in the area of the thighs, injuries in the inguinal region and a further injury to the neck. To this the post mortem examination report states merely: All the discovered blood effusions, blue spots etc. were at parts which were knocked against something, should there be cramp like movements of the limbs. This unbelievable abridgement of the examination report has been adopted by the Prosecution Stuttgart. It has to be asked where the eight other injuries come from, since they can have nothing to do with the act of hanging.

Point nine: Omitted examinations

Further examinations have been omitted or traces have remained unprotected - for example with Frau Ensslin: the histamin test which makes it possible to discover whether a strangulation mark was formed vital or postmortal, the micro-traces print from the hanging ridge of the neck of the corpse has not been examined and neither the micro-traces print of the left and right hand. There was no proof of the blood group, the saliva trace.

The source of the probable saliva has therefore not been examined as well as many other traces.

Point ten: The Toxicological Examinations

The Public Prosecution also raises the question, but then denies it at the same time, whether the act of hanging could have taken place in the condition of a preceding narcosis. They immediately

deny this as no basis for this had been discovered. They simply ignore the toxicological report, signed by Prof. Mallach. It says there amongst others: "...With the methods employed here the following substance groups are not being discovered: (There are therefore toxicological examinations for discovering whether a narcosis had first taken place.) other organic compounds, animal and vegetable viruses, most of the plant preservatives and insecticide as well as many other non-organic compounds used in pharmaka."

Prof. Hartmann says in his verbal report in front of the inquiry committee: "...there are so many poisons that if one doesn't look for a specific poison, one can possibly overlook one, especially the complicated organic poisons. We can take Digitalis or Insulin. If one doesn't look specifically for these one will not find them."

There is no reference to any of this in the decision to stop proceedings. Instead it tries to give the impression that the toxicological reports had shown with sufficient certainty that toxic influences had to be excluded.

Point eleven: Striking Changes of the Prisoners' Brains

I want to take the opportunity at this point of a small reminder of those troubled times: the "Stern" No. 49 from 24.11.77 reported - and this has not been contradicted - that executive organs of the FRG have in planning exercises been considering the killing of those prisoners named for an exchange. And in this connection the statement by the neuropathologist Prof. Pfeiffer from Bubingen is very exciting, who in all three corpses discovered - and I quote: "certain changes in the brains" and I quote again: "In all probability it is a question of accompanying symptoms of an infection, possibly already fading away. These changes do not reach a degree, which would justify the diagnosis of an encephalitis."

This statement is identical for each of the three prisoners. And it is noticeable that the same medical statement had already been made in the case of Ulrike Meinhof. And with regard to this we may remember, as we know from the CIA reports which have been discovered in the USA, that it is possible to completely stop the

intake of vitamin B through the body, which results in brain damage and which shows symptoms similar to the manifestation of an encephalitis. And if the Prosecution Stuttgart states: Our inquiries do not lead to a suspicion of toxic or other influences on the prisoners - then this seems very risky to me.

Point twelve: Sand on A. Baader's shoes

It was Prof. Holzabek who discovered this conspicuous sand on Baader's shoe soles. It wasn't possible to explain the origin of this sand and it has never been explained.

There is not a single word about this in the decision to stop proceedings.

But Prof. Holzabek has ordered that at least the shoes with the attached sand have been documented as trace. But nothing more happened with it.

I would regard it as most interesting to examine how this sand came into Baader's concrete cell.

Point thirteen: "A point blank shot" - from a distance of 30 cm?

There is a further report - and here I have to add: After the decision to stop proceedings, dated 18.4.78, six further inquiry reports have been added to the files which have of course all been ignored. Further reports - for which I have given several examples - which already existed on 18.4.78, have been totally ignored.

One report, which could not have been consulted, as it was also only added to the files in July 1978, is a report by the Federal Criminal Office (BKA) which concludes, that the fatal shot was fired from a distance of 30-40 cm.

This does totally exclude the construction of a pistol suicide, because even an acrobat can't hold a 17 cm long weapon from a distance of 30-40 cm behind himself and then shoot himself clean through the neck. That is absolutely impossible.

Smoke traces have been found on the spot where the bullet entered,

similar to a shot from point blank range. But not in such intensity as would be caused by a shot from point blank range. There are also no scorch marks on the hair. But they should be there from a shot which has been fired point blank above the hairline. Both are missing. And here we could, if we read for example the teaching book of forensic medicine, published by Muller, and especially the contribution by Prof. Sellier from Bonn about shooting injuries, look more closely at the following hypothesis. I quote: "By putting a silencer on the muzzle of the weapon the smoke is considerably reduced, which means the smoke impression looks as if the shooting had taken place from a distance further away." Page 594 of the above mentioned book of judicial medicine.

And that is the description which could explain those point of entrance traces which were found on Baader's dead body. There is also the examination result by the BKA which shows that even when examined microscopically there were no scorch traces on his hair at the point of entrance of the shot.

I have already said that at the time when the inquiry was stopped, blood group reports were missing as well as serological and histological reports. Until now (February 1983) there have been no concluding statements by the two responsible court doctors, Rauschke and Mallach, even though these have been announced repeatedly.

The following has not been considered:

- that there was a separate entrance to the 7th floor;

The parliamentary inquiry committee of Baden-Wuerttemberg discovered on the 7th floor "a door leading to a fire escape with doors to each floor, but which could not be opened from the inside and from the outside only with a special key. Should this door be opened an alarm goes off." (Frankfurter Rundschau 4.11.77).

- "... that the acoustic alarm which was joined to a camera was also not working on the night of 17th to 18th October. Unwanted visitors could have been present on the floor of the terrorist wing without producing the signal, a whistling sound, in the room of the prison officer on duty." (Der Spiegel, no. 6, 6.2.78).

- that "members of the Federal Army, the Federal Border Guards and the American Military Police as well as other individuals with special identification, who enter the prison regularly and whose reliability has been checked, have been exempt from being searched." 1)

From the statement by Irmgard Moeller to the parliamentary inquiry committee Baden-Wuerttemberg on 16.1.78:

M: At first I want to ask why the subject has been so confined. The case has its history.

Sch.: We have to fulfill an order by the Baden-Wuerttemberg Parliament. Included is the question of involvement by a third party. You can make a statement with regard to this subject.

M: In the night from 16th to 17th October I didn't sleep. I waited for news. In my cell was the prison radio which was turned off. We had asked to have it turned off in the summer as it was possible that we were being listened to via this circuit. The circuit was disconnected by the house electrician. On 13th September I was moved into another cell. In the morning I heard the news. The first impression I got: the prison officer put a piece of bread in my cell. Since the 15th we only received prison food. Between 7.00 and 8.00 a.m. the soundproofing was removed from the cells. These constructions had been mounted on 13th/14th September. Outside my cell door there were two civilians: I discovered that these were two priests, an evangelical and a catholic one. I explained to them the measures which had been taken against us, how the contact ban was being used to suffocate us. I told them that if they thought - and as I assume - that their institution (church) had not been taken over completely by the state, that they should then make our situation public. I then wanted to go to the cell of Ingrid Schubert to get books. The priests then talked to Gudrun and Jan. At about 12.00

1) Preliminary report by the Government Baden-Wuerttemberg, p.11 also "Von all dem haben wir nichts gewusst", p.14; report by the International Inquiry Commission: The death of Ulrike Meinhof, chapter III, 2-6

a.m. lunch arrived. Andreas only woke up at this time and I was worried that he woke up that late. It was clear which one of the meals he would get. The prison authorities had total control over who got what kind of food. That was clear. Nobody went on the roof that afternoon. I hesitated whether I should have a bath. At about 20 minutes after 2 p.m. prison officers were at Andreas's door. The door was opened, there was murmuring. I thought that he was going for a bath. At 3.30 p.m. I began wondering where he was. But then he came back and went to Gudrun's door: somebody had been there from the Federal Chancellor's Office; not Schuler, but a man who claimed to be in daily contact with Schuler. Andreas gave some details of the talk. On 29 September Andreas had taken the initiative to ask somebody from the Chancellor's office to come. On the same day Andreas told Jan that he had started that contact. The BKA wasn't able to grasp the dimension of the whole thing. It was not clear whether the Federal Government was clear about the political implications of a release. A condition for seeing anybody from the Chancellor's Office was that the Government was prepared to exchange us. On Monday afternoon a man from the Chancellor's Office came (Ministerialdirigent Dr. Hegelau). He asked Andreas if he knew the people from the Commando personally. Andreas told him that he didn't. It became clear that he had only come to find out if we knew the Commando to create the prerequisite for the GSG-9 action. Andreas had further discussed the role of the SPD in the Vietnam war and the role of the Federal Government. He talked about the strategy of the RAF and this revealed that the man from the Chancellor's Office had the same consciousness about the dilemma that the SPD was in as we did, but that he had no idea about our way of thinking. The Government had understood our statement "It is to be assumed that we will not return to the FRG" in such a way that we were now contemplating "International Terrorism". Terrorism is never the aim of the RAF - never. Our aims are strategic actions which move the class struggle forward. Andreas then explained the details for an exchange and that we didn't insist on an international press conference. He

has explained everything as far as possible. Klaus from the BKA was also present. Andreas explained that the only possibility to stop the escalation was the exchange of the prisoners. Should this not happen then this would lead to an escalation of the war. Andreas said that we were considering the possibility of being killed or to die during a hungerstrike. The SPD would then be forced to act openly as a war party instead of doing it covertly. The present SPD strategy would become impossible once they are a war party. The man understood this.

At about 4.00 p.m. I thought I heard Gudrun's voice - but I wasn't sure. My soundproofing hadn't been fixed to the door yet. I had expected that my door would be open once more. Both Jan and I called loudly to Gudrun. We heard Andreas ringing the bell. At 4.45 p.m. Gudrun returned; then the soundproofing was attached. I read and didn't hear anything until 11.00 p.m. At 11.00 p.m. the light was turned off. I heard that Andreas's hatch was opened. I heard voices, not very clear. I heard: "Herr Baader, just wait a second" etc. Then they went to Jan: here everything was completely silent. Then I didn't hear anything anymore. Until 10.00 p.m. I listened to the news, heard the Schmidt-Bahr talk. Then I continued reading. I listened to music through earphones. Then I had to repair the cable of the earphones because they had fallen into the candle. The candle burned down. Then I tried to build myself a lamp after the principle of a paraffin lamp. I tried to remove the bottom from a glass by heating it and then subjecting it to sudden cold - as flame protection. But it didn't work. The candle burned until 4.30/5.00 a.m. I was undecided. I wanted to hear the news at 7.00 a.m., but I was also very tired. I laid down at the crack in the door (at the bottom there was a crack in the soundproofing) and called out: "Jan - are you still awake?" I called two, three times then Jan answered: "Yes". He was wide awake. Jan slept very little and he fell asleep early in the morning. I asked: "What are you doing?". He answered: "I am still reading". I went to bed with my clothes on and turned on the alarm clock. Shortly after 5 a.m. I heard

two bangs very quietly - subdued - I believe now that those were pistol shots - and a quiet squeaking sound. I lifted up my head, but stayed in bed. I didn't follow it up, but went to sleep again.

The last thing that I can remember: I felt a very strong roaring in my head, right inside my head. I don't know what it was - that was my last experience. I didn't see anything. I awoke when somebody pulled up my eyelids. I think it was in the corridor (in front of the cells) under the neon light of the wing. I was lying on a stretcher - I was terribly cold and in pain. A man said, Baader and Ensslin are already cold. I closed my eyes again.

The following has to be said to the "suicide plot":

After the killing of Ulrike Meinhof we discussed suicide and that it is a CIA method of presenting murders as suicide. None of us were going to commit suicide, that is in conflict with our politics. The last time we talked about suicide, was on 26 September, the beginning of the hungerstrike. We started the hungerstrike, even though we knew that it wouldn't become public very quickly. We wanted to give a signal to the crisis staff: we are determined to fight. We also wanted a change in the prison conditions. Since 15 September measures had been taken which were aimed at provoking us to suicide or to give a motivation for a faked suicide. It was clear for us, suicide is not our thing. We are determined to fight. Nobody threatened suicide. Everything that is being insinuated now is clearly a falsification, the quotes etc. We had no communication amongst each other between the cells. We always assumed that we were being listened to. There was a double structure in the wing: BND - and prison officers, or BKA - without one of the structures knowing about the other. Because of the interception in the cells we didn't want to create connections anyway. But we also didn't have the possibilities to do this. The BKA assertions are wrong. This should be known to them through the interception protocols, we had no connection amongst each other. We had no explosives, no weapons, no radio. With regard to the searches and the statements by Rebmann: I know from myself, how I have been

searched, how the lawyers have been searched before and after visits. We were led separately into a room (bathroom or similar) and had to put everything down. I myself was never in the court building (only once from Hamburg as witness). On trial days I was locked up with Ingrid Schubert at lunchtime in Andreas's cell. The others used to come back at 1.30 p.m. They were brought back separately, Gudrun and the man. We then had to leave Andreas's cell. I was then able to see how they were being searched. And even if there wasn't a regular search, we always had to expect it. My experience is: we had to put everything down, files, tobacco. We had neither the possibility to receive anything or to pass anything on. We had neither radio nor explosives nor weapons. The work in the wing itself hasn't been concluded yet, the wing is still open for the BKA to plant machine guns etc. Rebmann is under pressure. At the time he had announced that he would deliver an explanation in 3 months time. I was meant to give evidence under exclusion of the public on 5 December. Now, aware of his power, he uses the possibility in front of the inquiry committee: to multiply his theories. He has now put his pot on the fire, from which he and the State Security intend to eat for a long time. The timing is very striking. Rebmann has brought forward his statement in a special meeting on Thursday. On the same day the BKA announces in French newspapers that the RAF has killed comrades; that is then repeated in the FRG. On the same day there is the discussion about the postponement of the new anti-terrorism laws. The aim is clear: everything that has been used so far as destructive measures against us and the lawyers, even murder, has to be legitimised. And above all, the neutralisation of the anti-fascist resistance abroad. And to deny the continuity of the RAF politics by claiming that everything has been led from Stammheim - the old CIA strategy to destroy the leaders, as then according to them the struggle is finished. Nothing suggests that somebody, who has worked in the Croissant Office, said anything like that, as Rebmann claims. The more detailed something like that is stated the more credible it is meant to appear. Should a prisoner nevertheless have

become a megaphone of the State Security then this would make the aim of the contact ban evident: the military function of blackmail. The short term torture for a limited time aimed at blackmail to gain news - opposite to the long term torture so far, according to the development of the war guerilla state.

The European Human Rights Commission in Strassburg bases their decision of 8 July 1978 only on the statement by the Federal Government and the decision to stop proceedings by the Public Prosecution, which excluded later reports. (Compare the application by lawyer Dr. Heldmann.) Irmgard Moeller wasn't heard.

The defence counsels lawyer Arndt Muller (Gudrun Ensslin) and lawyer Armin Newerla (Ingrid Schubert) were suspected of having smuggled the weapons to the prisoners. In a detailed statement during the trial against them (April 1979 until February 1980) they defended themselves against these charges. They uncovered a number of facts to show that the authorities had planned the liquidation of the prisoners deliberately as a Secret Service action, which was meant to give the appearance that they had committed suicide in their desperation. The court refused their evidence. Lawyer Arndt Muller was sentenced to 4 years and 8 months and lawyer Armin Newerla to 3 years and 6 months in prison. After their release both are not allowed to work as lawyers.

Whoever calls the death of Andreas Baader, Gudrun Ensslin and Jan Carl Raspe murder, is accused, for instance Kai Hermann Ehlers was accused "to have discredited the Federal Republic of Germany or its constitutional order by distributing written material, because he wrote in the newspaper 'Arbeiterkampf' No.117, dated 15.11.77, in the article 'Enough of suicide' (p. 1/2): ... 'There is just no reason to believe in a suicide of the prisoners.' ... punishable according to para. 90a, abs. 1, no. 1, 11 abs. 3, 53 StGB."

After the above mentioned application by Dr. Heldmann the Prosecution proposed the suspension of the proceedings according

to para. 154 StPO - 'Unimportant offences'. The court stopped proceedings. Against such an application according to para. 154 StPO by the Prosecution there is no legal measure the defence counsel can take. In a judgement by the Court in Hamburg from 16 June 1981 - ref.: (60) 99/80 NS - 141 Js 806/78 - 147-134/79 - "because of discrediting the state" the court stated: "The Public Prosecution has not stated at any time, that the suicides were an established fact. ... This view is shared by the court with the statement that an interference by a third party is not provable." (Judgement p. 13/14) The defendants had given out leaflets on 18.10.78 in which it said: "We do not believe in the suicide theory which has been declared by the state. We believe that the three prisoners have been murdered by State Security." They were sentenced to a fine.

Propaganda preparation of the public for the killings

- 12.9.77 Walter Becker, CSU (in: Spiegel)
"Should the terror escalate any further then we should make short work of the prisoners in Stammheim."
- 13.9.77 Heinz Kuhn, SPD, Prime Minister of Nordrhein-Westfalen:
"The terrorists must know that the killing of Hanns-Martin Schleyer will have heavy repercussions for the imprisoned terrorists, whom they wanted to free with their brutal action."
- 19.9.77 Dr. Alfred Seidel, CSU (in: ARD-Panorama)
"... that it is my personal opinion that we should abolish article 102 of the constitutional law. In article 102 it says: 'The death sentence has been abolished.'"
- 17.10.77 Prof. Golo Mann (in: ARD-Panorama)
"The moment can come when those terrorists, who have been sentenced for murder and who are securely imprisoned, will have to be held as hostages by removing the laws of peace and by putting them under martial law. Whether this moment has already come after the Cologne crime I do not want to decide. I am only a private person and have nothing to decide. This has to be decided by the executive."

18.10.77 Frankfurter Allgemeine Zeitung, leading article by Reissmuller:
"The state has to question and re-examine its legal and moral relationship to the terrorists; it must open itself up to new objections, must have new thoughts. The taboo has to be removed, which prevents - responsibly led - discussions from mentioning it, the taboo, by which many politicians from all parties have let themselves be forced to a double book-keeping: to say one thing but to think another, never to mention it, only give hints to the best friend ...
Isn't it time to think about an emergency law against terrorists?"

24.10.77 Report in "Spiegel", No. 44
"A small group of high officials had indeed discussed all kinds of possibilities, without regard to foreign policy and other complications, without regard even to the constitutional law. They exercised the plan to kidnap the prisoners when they arrived at their destination, even against the will of the respective government, or even to execute them. They designed plans to build a dummy of the airport named by the terrorists in a friendly African country."

Helmut Kohl on 22 February 1979 - at that time he was the chairman of the CDU - in the ZDF television programme "Citizens question - Politicians answer". Dutch studio guests asked; Helmut Kohl did not contradict the murder accusation. He compared it with his dead friends in the GDR. (in: Frankfurter Rundschau, 3 March 1979, page 14).

Question: The Goebbels propaganda was "Freedom instead of bolshevism". You now talk about freedom and the parole is "Freedom instead of socialism". I ask myself, what is the difference? The fact is now that since 1974 in the FRG seven political prisoners have been murdered, that many prisoners are still kept under inhuman prison conditions, that partition glass makes normal human contacts impossible for ever, that lawyers are being excluded or even imprisoned if they have the trust of political prisoners and that crown witnesses are being created

to put suspicion on lawyers or to give the legend of the suicides in Stammheim the appearance of truth. And now my question: Should the CDU/CSU come to power in 1980, will this change? Will you really fulfill your freedom programme?

Kohl: I am chairman of the CDU in Germany and my party was formed after the Second World War from the experience against Hitler, from the history of the German resistance movement. I say this once again in all seriousness, because of remarks made earlier which are intolerable. The first chairman of the CDU in the Soviet occupied territory and also the first chairman of the CDU in Berlin, Andreas Hermes, was a member of Parliament before 1933 and was sentenced to death in September 1944 by Roland Freisler after 20 July. Due to lucky circumstances he survived and then became in 1945 the first chairman of the CDU. Many of my friends, older friends, emerged from the prisons and concentration camps of the Third Reich. We know what injustice means. We know what terror means. And we know what fascism and communism mean, because I also have to tell you this: in the period from 1945 until 1950 nearly 900 members of my party in the area of the Soviet occupied territories at that time, which is now the GDR, have died in prisons and concentration camps, because they have represented the ideas and ideals of our political conviction.

We know very well, what freedom is and the price we have paid for it. We are against violence as a means of politics. The group you have talked about, where you talked about the number seven, those are the prisoners in Stammheim, if I understood you correctly, those were brutal criminals. Those were people who were not interested in our constitutional law. They didn't put up candidates in elections, they didn't make propaganda for their political convictions, the way everybody does in our country. The Federal Republic is in the history of Germany the most liberal country which we have ever had. Those were brutal criminals who invaded our country with murder and manslaughter, who within a short period attempted over 100 murders and killed 30 people, innocent people. I can only say that there is no mutuality with such criminals.

And now I want to ask you, what you have done in Holland with the supporters of these criminals, and quite rightly? And that is

the point which I deplore, that we are in many ways not as effective in our laws as the Dutch. I give an example. In the autumn of 1977 you arrested some of those criminals. Dutch officers were killed during the arrest. They were arrested in October and were sentenced in December. The trials in our country, for instance for the kidnapping of Peter Lorenz, are now in their fourth year. I believe that the law is not in its right, where the accused has to wait 4 years for his trial and the trial then lasts 4 years. I like your system much more, where it is possible to sentence such a criminal within 3 months.

THE DEATH OF INGRID SCHUBERT ON 12.11.77 IN THE PRISON
MUNICH-STADELHEIM

Ingrid Schubert was arrested in October 1970. Her initial prison sentence of 6 years was increased to 13 years after a new trial on the ground of further charges. She spent her 7 years of imprisonment under different prison conditions, from total isolation to small group isolation, except for a short time (4 weeks) when she was integrated into normal prison conditions. (appendix) 1)

On 18.8.77 she was moved during the hungerstrike by helicopter from Stuttgart-Stammheim to the men's prison Munich-Stadelheim. According to her own statement she became unconscious during this flight.

From 6.9.77 until 20.10.77 the contact ban was imposed on her. During the contact ban a forcible gynecological examination was carried out against her will.

On Sunday, 12.11.77, at 4.00 p.m. in the afternoon she was moved from the cell in the hospital wing into the cell 402 in the admission wing without medical examination.

"The ante room to the cell no. 402 was accessible through 2 doors. On the one hand it was accessible from the other cells - except the 2 cells next to hers - through a door in the hall, on the other hand through a direct entrance to the ante room. It has therefore to be determined, how the observation was carried out." (Letter by lawyer Bendler from 17.4.74 to the Public Prosecutor at the court in Munich, p 7/8)

According to a decision by the prison directorate and the responsible doctor, senior medical officer Frau Dr. Lange:
"an observation was ordered in irregular intervals of 30-60 minutes." (letter by Frau Dr. Lange from 15.11.77 to the prison directorate, p 2, p 112 of the file on the causes of the death)

1) Ingrid Schubert wrote the report about the attack from 8.8.77 in Stammheim s. p.68 and appendix 33

On 12.11.77 the last control took place at 6.00 p.m., the next only at 7.10 p.m. Ingrid Schubert was dead.

The lawyers, who were allowed to be present at the post mortem examination at 11.00 p.m., reported:

"Around the neck of the dead Ingrid Schubert there was still a rope, which was knotted together in plaits (underlined by us) from individual, white, linen strips." (report from 13.11.77)

In the letter from 17.4.78 to the Public Prosecutor Munich they continue:

"Origin and point of time for the manufacture of the strangulation instrument in the cell 402 have until now not been sufficiently explained after the inquiries.

...No fragments of cotton threads have been discovered on the clothes worn by Frau Schubert at the time of her death. The report (by the Bavarian Criminal Office from 15.11.77) states that such thread fragments are inevitably produced when material such as sheets are being ripped up. ...No small thread agglomerations from white cotton were found. (p.8)

It is further established that the two other strips were not directly torn from each other, ...it has not been established whether the two other strips which do not show exact matching to the presented sheet, originate from one and the same sheet..." (p.9)

Without further investigations into these questions the Public Prosecutor stopped the inquiries into the cause of death on 14.2.78. The lawyers received the file on 6.4.78.

It is reported universally that Ingrid Schubert had no intention of killing herself.

"III. Lawyer Bendler had last visited Frau Schubert on 10.11.77. At the visit they discussed that he would apply for a transfer to the prison Frankfurt-Preungesheim. An appropriate application was submitted on 11.11.77. The application reasoned amongst others, that the prison Stadelheim was only meant to be a transition prison. (p.3)

"Neither the lawyer, however, nor the prison administration had the impression that there was any sign for any intention to commit suicide. On the contrary, Ingrid Schubert has explicitly denied such intentions." (p.4)

(From the report by the defence counsel from 13.11.77)

Frau Dr. Lange, senior medical officer at the prison hospital Munich stated on 15.11.77 to the prison directorate:

"With this modus (of control) Frau Schubert also was more satisfied, but she stressed repeatedly that all this was unnecessary as she had no suicide intentions. As she had also become more communicative and engaged in longer talks this was believable. On 11.11.77 she explained to the doctors and nurses that an application for her transfer to Preungesheim was on its way and that she hoped to be moved there.

As a summary it can be said, that on the part of the doctors no suicide intentions were recognisable."

"Her behaviour in particular did not show signs of any suicide intentions." (letter by the Public Prosecutor to the lawyers on 1.8.78 - AZ 120 n Is 1009/77)

The authorities immediately presented her death to the public as suicide in the news at 9.00 p.m.

Even though no notes were found in the cell on the day of her death, a few days later a letter was presented as 'evidence', which Ingrid had written a few days before her death, but had not sent off. There are other letters which Ingrid wrote shortly before her death in which she expresses a keen interest in philosophy. (appendix only in German!) She ordered numerous books and developed plans for the future.

These letters, which the prisoner had posted, are not acknowledged either by the authorities or by Amnesty International who attribute the death to the prison conditions.

5. SIGURD DEBUS

Sigurd Debus died on 16.4.81 in Hamburg. He had taken part in a hungerstrike by prisoners from the RAF and of other political prisoners since 11.2.81 to achieve the abolition of isolation and to be put together in groups.

Report about the hungerstrike and the death of Sigurd Debus

Sigurd Debus was born on 7.5.42 in Freudenthel. He was arrested on 28.2.74 and sentenced on 30.5.75 by the court in Hamburg to 12 years imprisonment for his participation in bank robberies, for bomb attacks on the Office for the Protection of the Constitution in Hamburg, against the "Haus der Industrie" and for forming a criminal group (nowadays 129 a StGB). Sigurd Debus saw these offences as part of his anti-imperialist struggle, which he was fighting with the urban guerilla that existed at that time. But he had no direct connection with the RAF.

Until the beginning of 1980 Sigurd Debus was kept in isolation, of this he spent over five years in total isolation mainly in the prison in Celle.

In February 1980 he was moved to the prison in Hamburg-Fuhlsbuettel under normal conditions. Even though he was now imprisoned under normal conditions - which he had been given without his request - Sigurd Debus maintained his earlier demand to be put together into groups able to interact. (compare appendix 1)

On 11.2.81 Sigurd Debus joined the hungerstrike of imprisoned RAF comrades in the prison Fuhlsbuettel. (compare appendix 2, statements dated 11.2 and 25.2.81)

On 20.2.81 he was moved to the remand prison Hamburg. On 19.3.81 force feeding was started in the hospital of that prison.

The order by senior medical officer Dr. Goerlach to start force feeding was preceded by his statement that Sigurd Debus was now in danger of dying. (compare appendix 4)

It is still not clear what prompted this statement. On that day Sigurd Debus's weight was still 62.6 kg, signs of deterioration were not evident. No preceding examination of Sigurd Debus had

taken place. There is no clear indication in his medical file, for the existence of a dangerous deterioration in his condition.

From the fact that the prisoner Gruschke, who had also gone on hungerstrike on 11.2.81 and who was also, like Sigurd Debus, subjected to force feeding at the same time without preceding examination and this despite their different individual conditions, it has to be concluded that force feeding at that point in time, was not carried out to save lives, but to break the hungerstrike.

Force feeding was carried out by compulsory infusion of aminofusin, carbohydrate compound solution and from 2.4.81 lipofundin was added.

According to his declaration Sigurd Debus has from the beginning fought actively against this force feeding. He was daily taken from his cell by 8 warders and in the prison hospital was subjected for up to 11 hours to the torture of compulsory infusion while completely strapped down. (compare reports by Sigurd Debus, 19.3, 23.3 and 26.3.81, appendix 5-7)

The undersigned could not discover any considerable deterioration of Sigurd Debus's general condition during his regular visits in the remand prison up until 3.4.81. It was possible to have visits of between 30 minutes to 1 hour.

On 5.4.81 his body weight was still 63 kg.

The last talk between the undersigned and Sigurd Debus took place on Friday evening, 3.4.81, in the visiting room of the remand prison.

On Monday, 6.4.81, the planned visit to Sigurd Debus by the undersigned, was prohibited by the prison administration. They said that the physical condition of the prisoner would not allow him to have a visit.

Only after intervention by Justice Senator Mrs. Leithaeuser did the undersigned receive permission to visit his client the next day. But on Tuesday, 7.4.81, the undersigned was again prohibited at first from seeing his client. At lunchtime the prison administration informed him that Sigurd Debus was no longer in the remand prison. The information as to where Sigurd Debus had been moved, what the reason was for the move and who was now his doctor, was not given to him. Only after renewed consultation

with Justice Senator Leithaeuser was the undersigned informed of the whereabouts of his client. Sigurd Debus had been moved at lunchtime on 7.4.81 to the General Hospital Barmbeck.

Despite a recommendation by the doctors treating him there, the prison administration only allowed his mother and Sigurd Debus's lawyer, after several applications, to see him in the evening.

This visit then led to the discovery of the extremely serious condition of Sigurd Debus.

Sigurd Debus did not recognise his mother or his lawyer. His hearing and visual faculties were very badly affected, he was disorientated in time and space. The doctor in the hospital had not recognised these symptoms until then. According to his statement, he had assumed that the prisoner, because of the resistance which he had put up for 20 days against the force feeding and which he had been told of, would not want to communicate with him. The medical data given to him had not shown that the situation was this serious.

Neurologists were immediately consulted and they diagnosed on the evening of 7.4.81 that Sigurd Debus was in all probability suffering from brain damage.

Sigurd Debus did not regain consciousness despite all efforts possible in the intensive care unit of the Barmbeck Hospital. On 16.4.81 Dr. med. Prinz confirmed his death.

From the post mortem report it follows that Sigurd Debus was already clinically dead on 15.4.81. This substantiates the suspicion that the delayed confirmation and announcement of his death to the public, followed the order of the state authorities with the aim of bringing about the discontinuation of the hungerstrike by the RAF prisoners, as a consequence of the death of Sigurd Debus and not the realisation of their demands.

According to the post mortem results and expert reports available so far, the death of Sigurd Debus was caused by a 'withering' of brain tissue with haemorrhage bleeding and strongly increased pressure on the brain. The cause of these conditions has as yet not been ascertained by experts. The final report is still outstanding as supplementary anaesthetists and internal expert reports are still being prepared.

All signs point to the fact that the force feedings in the hospital of the remand prison caused the death of Sigurd Debus.

It is clear that Sigurd Debus did not die of starvation and that at no time was his life endangered by his physical condition because of his refusal to take food. It is also clear that from the time of his transfer to the General Hospital Barmbeck on 6.4.81, Sigurd Debus had no chance of surviving as the deterioration of his health, which was decisive in his death, had already occurred during his force feeding in the remand prison Hamburg.

For the decisive period from 4.4.81 to 5.4.81, there are no medical notes. The medical file and the reports which exist so far show several omissions and inconsistencies with regard to the treatment of Sigurd Debus on the part of the responsible prison doctors which until now have not been cleared up, especially with regard to their effects on the further progress of his illness.

Criminal proceedings by the Public Prosecutor at the court in Hamburg have therefore not been concluded.

signed Michael Nitschke, lawyer"

On 17.4.81 the Public Prosecutor at the court in Hamburg, department 13, opened preliminary proceedings to determine the cause of death. Ref.: 134 Js 1063/81. On 4.5.81 they gave instructions for the preparation of expert reports. It is certain that at the time of death there was no connection between his physical condition and the hungerstrike.

The inquiries by the Public Prosecutor have not been concluded at the time of this documentation - 16.4.83 - two years later.

Extracts from the appendices mentioned in the report by the lawyer: Appendix 1: letter by Sigurd Debus, dated 12.1.80: "Prison administration/Court Hamburg

In addition to the information by Mr. Ludwig and Mr. Quast, dated 10.1, I want to add

1. that the taking up of prison work after a change in the prison conditions (prison II) is for a long time psychologically and physically impossible after 6 years of isolation (apart from 7 months in Celle). I am now unfit to work. Whether I can take up prison work later will be determined

2. For the rest, the demands of the discontinued hungerstrike, from the summer of 1979, apply.

signed Sigurd Debus"

Appendix 2: statements from 11.2 and 25.2.81:

"I have today gone on hungerstrike for an unlimited period to achieve the destruction of isolation and isolation wings.

I demand:

-that the prisoners from the guerilla will be put together in groups of at least 15 prisoners

-the application of the Geneva Convention for the prisoners from the guerilla.

Control of prison conditions by the International Commission for the Protection of the Prisoners and against Conditions of isolation.

-the release of Gunter Sonnenberg."

Hamburg, 11.2.81

signed Sigurd Debus"

"Sigurd Debus

25.2.81

To the Court in Hamburg

In connection with the hungerstrike declaration I want to point out explicitly, that I refuse a move into so-called normal prison conditions. There will only be a collective solution according to the hungerstrike demands.

signed Sigurd Debus"

Appendix 3: from the letter to the lawyer during the hungerstrike, 19.3.81:

"The cells, in which we are kept now, are already so-called 'observation cells', which means that there are 2 lights, both of them built into the wall behind wire. One lamp is 25W strong and is the 'night light', the other is a normal 75W bulb.

The 25W lamp they have left on continuously since the night of Wednesday to Thursday. The flap in the door they have exchanged for bars through which they can look - before that it was covered up with a steel sheet. They can now at any time, without fiddling around with the flap, look into the cell."

Appendix 4: The original of the quoted letter from the prison hospital (also from 19.3.81) is in the appendage

Appendix 5: report by Sigurd Debus

"Sigurd Debus

19.3.81

remand prison Hamburg

Report about the force feeding (infusion of 1 litre of 'salviamin 1500' into the left arm) on the 37th day of the hungerstrike.

On 19.3.81 at 10.45 a.m. the head of the prison hospital, Goerlach, and the prison governor, Koepcke, come into the cell and give me a letter of the same date:

'Ref.: hungerstrike by FS Debus, Sigurd, born 7.5.42

The above named refuses, since 11.2.81, consistently to take food of any kind. There now exists a danger to his life. This danger can only be prevented through medical examinations and treatment, as well as nourishment. The prisoner has been informed in the presence of prison governor III, Mr. van Koepcke, about the necessity of medical measures and the possibility of compulsory treatment as well as of the consequences for his health if he is not treated.

These measures are ordered to be taken herewith - if necessary by force. (101 StVollzG, VV to 101 StVollzG)

Dr. Goerlach, Senior Medical Officer'

I repeated that I would actively resist any attempt at force feeding. They went out.

At 11.05 a.m. 8 men (medical orderlies) stormed into the cell, grabbed me by my arms, legs and hip, pulled me to a stretcher which was standing outside the cell, threw me onto it face down, twisted my arms and sat on my legs, pressing my head down onto the stretcher. This is how I was taken to the prison hospital. There they put me down on a bed. They strapped me down with leather straps: my legs, above the feet and at my thighs. Across my stomach and chest with leather belts. Both arms were strapped down onto the bed. Goerlach was there.

After about 5 minutes Goerlach pushed the needed into my left, strapped down arm. Infusion of 1 litre (see above. The force feeding lasted from 11.15 a.m. until 16.20 p.m. My body was

totally immobile, strapped down on that bed, I could only move my head and neck.

After this torture my limbs were completely stiff, I could only move with pain and then only very slowly.

I don't know exactly whether any blood was taken before the infusion, or whether pulse and blood pressure were measured, as 2 pigs held my left arm and bent it. I had no proper feelings in my arm, just pain.

signed Sigurd Debus"

Appendix 6: report by Sigurd Debus, 23.3.81

"21.3.

forced infusion in the prison hospital from 8.20 a.m. until 4.50 p.m.

1 litre aminofusion L 600

1 litre carbohydrate compound solution

Again taken to the prison hospital by 8 medical orderlies. This time I am not strapped down completely, I could move my thighs and the lower part of my body. Straps: round the thighs, forearm, across the chest and the shoulders. In the evening I am still strapped down on the bed for about 20 minutes after the needle has been removed because the killers had not announced our return to the remand prison area in time. They crawl around me all day long, observe me all the time from the next room which has been furnished as a waiting and treatment room. That room and the treatment cell into which I am taken, are equipped with windows in the partition wall.

In the remand prison area everything is always 'under lock and key'. But on this evening shortly before the end of the infusion hardly any of the medical staff were in the room, they were probably watching the football game, maybe that's why the transport back to the prison cell took so long.

On this evening - after the infusion of carbohydrate - I was not able to sit longer than 5 minutes. I fell on the bed, covered myself up with all the available blankets and 2 sweaters.

Shivering fits and perspiration at the same time, for hours. My heart was racing and I had tearing in the left side of my chest -

lasting for several minutes at a time. Unable to move quietly. To lie on my side is unbearable. I lie on my back, head slightly raised, completely without strength, nausea. Then dizzy spells, I have the feeling as if my spine and legs are turning round faster and faster like a spiral and I lose consciousness temporarily - I don't know for how long, it doesn't occur to me to look at my watch. Don't notice either when they come to turn off the main light at 11.00 p.m. At about 12.00 p.m. I regain full consciousness, completely wet with sweat, movement in my bowel. I had thought that my bowels would be completely empty by now. Go to the toilet, about 1 cup full of a black/brown soup comes out, smells more like medicine than excrement.

After that the described conditions slow down, I lie down and for the first time since the constant light I sleep deeply and without once waking up until 06.45 a.m. (waking-up time) despite the light being on all night.

22.3

forced infusion in the prison hospital from 8.15 until 14.05 p.m.

1 litre aminofusin

1 litre carbohydrate compound solution

Again fetched by 8 medical orderlies as described, strapped down like yesterday, slight movement possible.

The situation, which I described yesterday, today starts at about 7.00 p.m., slightly weaker, everything not quite as extreme, but today no bowel movement, instead I vomit black mucus, a small amount (1 tablespoon) - but half an hour of wrenching. had a sip of coffee after returning to the cell - but I am not thirsty, just a feeling of nausea.

Signed Sigurd Debus"

Appendix 7: report by Sigurd Debus, 26.3.81

"Today the forced infusion lasted from 9.45 a.m. until 5.55 p.m. 1 litre aminofusin, 3/4 litres carbohydrate compound solution. Strapped down as before.

In the evening I discovered that blood had been coming out of my bowel (on the bed in the hospital). Both underpants were soaked.

At 7.00 p.m. I demand to see a doctor, the doctor came. (I don't know her.) I told her about the blood and also that since the beginning of the carbohydrate infusion every second day a brown/black liquid comes out of my bowel and since today blood. I demanded that tomorrow (Friday) no force feeding should take place....

I will today, if they should still take me to the force feeding, immediately ask for a doctor: I want a break for 1 day to give me time to decide whether I should change the form of resistance for a short time.

In the evening the blood continued dripping out of my bowel, I changed the woolcloth about every hour. Further oozing in the morning.

signed Sigurd Debus"

On 16.4.81 the state press department Hamburg published a press statement. It says:

"When his health deteriorated Debus was being fed by infusion from March 19th 1981 onwards. He had been warned urgently by the doctors treating him that his life was in danger. Debus did not put up any resistance to the infusion treatment. On April 7th, 1981 he was moved to a general hospital according to the consent of the doctors involved. This complied with a decision taken beforehand by the Justice authorities and health authorities, 1) according to which the point of time for a necessary transfer into a public hospital should be left entirely up to medical judgement. ...

The Justice authorities stress that they have done everything possible to save the life of Sigurd Debus. But where a person consciously makes allowances for his own death medical help comes to its limits."

1) underlined by us

VI. ENCROACHMENTS ON THE RIGHT FOR DEFENCE (ARTICLE 14 OF THE COVENANT)

1. Over-view of Different Laws and Rules

The state authorities of the FRG encroach on the right of defence in many different ways. They have created a series of laws which provide the basis for such encroachments.

(i) Control of the relationship between the defendant and his/her counsel

A. Control of written communications

(a) The correspondence between the counsel for the defence and the prisoner during proceedings is controlled by a judge according to Para 129a StGB, Para 148 II StPO, created 18.8.76. The judge keeps back the mail if he is of the opinion that it does not serve the purpose of the defence. Since it cannot be the business of the judge to define the direction and nature of the defence, this law is incompatible with the defence law. It contravenes in particular Article 21 I 2 of the Draft Principles on Freedom from Arbitrary Arrest and Detention of the UN Human Rights Commission. (E/CN. 4/1044):

"The arrested or detained person and his counsel shall always be allowed adequate opportunity for consultation. They may communicate freely in writing or by telephone or by other means and their messages shall not be censored or the transmittal thereof delayed by the authorities."

In recent times officers of the security police and prison officers have confiscated mail or retained or controlled it after the mail had already been passed by a controlling judge. There is no legal basis for such practice.

(b) The security police carry out searches in the cells of prisoners at irregular intervals: they take notice

of private correspondence and defence papers and confiscate them. This practice is used especially during trials in progress so that the police and the prosecution obtain knowledge of the nature of the defence.

(c) The offices of defence lawyers are searched by security police and the public prosecution and defence papers are confiscated.

B. Control of verbal communications

(a) Prisoners are searched before and after every visit of a defence lawyer and have to change their clothes completely.

(b) The defence lawyer is physically searched before every visit by police or prison officers. They cannot prevent notes being taken of their files, in some cases the defence lawyers have to undress completely and be searched physically (see 3rd International Russell Tribunal Vol. 4, p.63)

(c) During the visit of the prisoner accused under Para. 129a and his/her lawyer are separated by a glass partition (Para. 148 II StPO, of 14.4.78), a massive glass pane similar to a bank counter which distorts voices and affects audibility. Reading of files together is impossible.

(d) Talks between prisoners and defence lawyers are secretly and electronically monitored - and tapes of these talks have been made. on 17.3.77 the Badenwürttemberg Minister for the Interior admitted in public that in "two exceptional cases" in Stammheim, conversations between RAF prisoners and their defence lawyers had been secretly taped: see Critical Justice 1977, p.112 and 3rd International Russell Tribunal, 1979, Vol. 4, p.56.

Criminal proceedings brought against persons who listened into these conversations were unsuccessful: the state prosecutor in Stuttgart stopped the proceedings on the grounds that these did not render them liable to prosecution. From this result we may conclude that such actions can be repeated at liberty and that further listening in to such conversations is probable.

The conclusions of the 3rd International Russell Tribunal Vol. 4, p.117 states: "Recently created laws and measures under them are a serious threat to human rights. The jury found that there are in-roads into the relationship between lawyer and client."

(ii) Curtailing defence laws in the main proceedings

(a) Police and prison officers undertake physical searches of the defence lawyers when they enter the court building. they take note of the defence papers, see statement of the 3rd International Russell Tribunal Vol. 4, p.176: "Lawyers ... have to undergo humiliating bodysearches. If they refuse they are threatened with high court costs."

(b) In a similar way visitors to the proceedings are also checked: when entering the court building they are searched physically, have sometimes to open their clothes (trousers), their identity card is xeroxed and the visit is recorded in the computer of the BKA (Federal Criminal Bureau).

(c) In the main proceedings the right of the prisoners to make statements is curtailed. This is especially so for statements in which the prisoners explain the political aims and content of the actions they are accused of

- with the law of 9.12.74 the right of the accused to make a statement at any time during the main proceedings was repealed (repeal of Para. 271a StPO)

- prisoners who made a statement are interrupted by the court chairman who switches off the microphones so often that their statements were cut into unintelligible pieces

- the regional ministers of justice decided on 25/26.9.82 to prohibit political statements in the proceedings by law. "Long ideological statements are to be stopped as delaying the proceedings." The accused has a right to be tried quickly.

(d) The right of the counsel for the defence to make statements is curtailed.

Counsels for the defence who themselves criticise the justice department are threatened with proceedings for professional misconduct. For example, a lawyer had to pay a fine because he stated that "class justice did not stumble over the legal web of the rules of criminal procedures" and "in this trial the decorum of a constitutional state trial is being misused for the suppression of terrorisation of political opponents to the capitalist oligarchy". See 3rd International Russell Tribunal Vol. 4, p.24

(e) The right to submit evidence is restricted to a large extent. This applies to all evidence which relates to the political meaning of actions which are attributed to the accused. In no case in proceedings against the RAF could the accused ever explain the political character of their actions with the evidence of witnesses or experts. See below.

Furthermore, by the law of 1.1.79 (Para. 245 II StPO) the possibility for the accused to call witnesses or put forward other evidence was restricted.

According to the former law the court was obliged in most cases to hear witnesses who were invited by the accused to give evidence.

(f) The rejection of a judge on the grounds of bias does no longer lead to an interruption of the trial. (Para. 29 II StPO, of 5.10.78)

(iii) Exclusion in criminalisation of counsel for the defence

(a) The counsel for the defence can be excluded from the proceedings: wherever "strong suspicion" is sufficient that he "took part" in "action", which his client is accused of, or is a danger, or where he is a danger to the security of the prison. (Para. 138 StPO of 1.1.75) This order was especially created for the proceedings which were to begin half a year later against 4 RAF prisoners (Andreas Baader, Gudrun Ensslin, Ulrike Meinhof, Jan Carl Raspe), who were classified as the ringleaders of the RAF. In consequence, Andreas Baader was without defence counsel at the beginning of the trial. The reasons for the exclusion were that the counsel for the defence had "supported" a "criminal association" (Para. 129 StGB) namely the RAF prisoners or those "recruited" for them. "Support" and "recruiting" referred to, and continues to refer to, the alleged ideological support by counsel for the defence who, for instance, stood up in public for the abolition of confinement in isolation. In short, the political and also public defence is declared as to be acting as an accomplice.

(b) In this context the appointment of a counsel for the defence by the court means that they are working against the will of the accused. Conscripted defence is part of the usual practice of political proceedings. An essential part of the right of defence is that the accused chooses a lawyer in whom he can place trust and work out the line of defence together with him. The assignment of counsel for the defence against the will of the accused is an infringement of the rights of the defence. With this practice the justice system pursues the objective to exclude lawyers who have the confidence of the accused under Para. 138a StPO. Thus it assigns

counsel to the defence so that it retains the appearance of a constitutional trial after the exclusion of the lawyer chosen by the accused.

(c) According to Para 146 StPO of 1.1.75 the joint defence of several accused persons by one lawyer is prohibited. If one considers that politically accused persons are always accused of an organisation offence (Crown Association Para. 129 StGB or Terrorist Association Para. 129a StGB), it is evident that they have to be able to defend themselves also as a group. Subsequently the courts have interpreted the order extensively:

- they have widened the prohibition of joint defence to trials which take place in parallel or in succession and even to trials in which the offence is in some way related to the RAF.

Since 1984 the political justice department extended the application of Para. 146 StPO considerably:

- lawyers are not admitted if instead of defending other RAF prisoners up to the end of the trial they take on the continuing instructions of clients who are now sentenced prisoners (Haftmandat)
- further, the concept of a "terrorist organisation" within the prison to which all RAF prisoners are said to belong serves the function to exclude all those lawyers who already have another RAF prisoner as their client. It is no longer necessary to prove that both clients did, at one time, live illegally underground, it is now sufficient to state that both are members of a terrorist organisation and imprisoned at the same time. This results in many newly remanded prisoners remaining without defence lawyers for a long time because the lawyers who want to represent them already have other RAF clients even if those are convicted prisoners.

(d) According to Para. 137 I 2 StPO the number of the counsel allowed for the defence of one client is limited to 3 at most (introduced 1.1.75).

(e) Counsel for the defence are subject to penal procedures: on the grounds of "support" or "recruiting" for a "criminal association" or a "terrorist association". The offence of a "terrorist association" was created by the law of 18.8.76. The then amended 112 StPO says that on suspicion of an offence under Para. 129a StGB an arrest is possible, i.e. the danger of escape or interfering with evidence. Such an arrest is political detention. It contravenes Article 3 and 5 of the Draft Principles on Freedom from Arbitrary Arrest and Detention of the UN Human Rights Commission. With this instrument the political justice system has arrested 4 counsel for the defence of the RAF prisoners. See below for further details.

(f) Unfitness to stand trial: in the proceedings against RAF prisoners, this principle is practically eliminated.

- i) Para. 231a StPO valid with effect from 1.1.75 provides that the proceedings can take place in the absence of the accused, if he is unfit to take part and if this order can be demonstrated by the example of the proceedings in Stuttgart-Stammheim against Andreas Baader, Gudrun Ensslin, Ulrike Meinhof and Jan Carl Raspe.

From the beginning of the proceedings the prisoners and their lawyers explained that the prisoners were unfit to take part because of their isolation, which by then had lasted for years. First the court claimed that this was not the case. Finally the prisoners and the lawyers managed to persuade the court to appoint medical experts. Those experts came to the conclusion that the prisoners were partially unfit to take part and that the one reason for this was their isolation.

After this the court reached the following decision: it acknowledged the unfitness but claimed that the reason for it was the hungerstrike so that the prisoners were themselves responsible for the unfit-

ness and the proceedings should go on in their absence. The next higher Court, the Federal Court of Justice, came to the same conclusion but for other reasons: the conditions of confinement were actually the reasons for their unfitness - but because of their "special dangerousness" the prisoners were responsible for the isolation themselves, so that the proceedings had to take place without them. Because of this decision the OLG, Stuttgart (Regional Supreme Court) at times proceeded in the absence of the accused.

In this interpretation Para. 231a StPO has the function of helping the justice system out of the self-created dilemma: it orders isolation confinement, causes thereby unfitness to take part in the proceedings, and thus makes the main proceedings impossible. But then it does not draw the conclusion to end isolation, but declares the unfitness as self-imposed and thus creates the grounds for proceeding in the absence of the accused.

ii) Although Gunter Sonnenberg was unfit to take part in the proceedings because of his head wound (see the special reports about him), the OLG Stuttgart proceeded against him. They thereby disregarded medical opinion. Prof. Dr. Rasch wrote: "Sonnenberg is only able to explain himself and to understand what others say in a restricted manner. He can follow the word sense of a given explanation, but he cannot understand the complexities of the contents even if this is relatively simple. It is to be expected that Sonnenberg throughout the procedure will forget explanations given by him and others to a degree which is far from normal. According to medical opinion the fact of 'unfitness to stand trial' is established." (Der Spiegel 27.2.78, p.104 f).

The court has reduced the essential requirement of taking part in a trial to the prisoner's purely physical ability to be present at the trial. (See above, p.102).

The Federal Prosecutor (Chief Prosecutor Lampe) declared in the trial that Sonnenberg certainly may have lost some brain matter, but that it was sufficient if he had enough brain matter left to take part in the trial. At the end of his trial Sonnenberg was sentenced to life imprisonment.

2. The Object of Limiting the Rights of Defence

- (i) One object for the defence (especially of the lock-outs of counsel for the defence and their criminalisation and arrest) is to increase the isolation of the political prisoners. They are robbed of one of their remaining possibilities to communicate. The former president of the BKA, Herold, stated in an interview: the "mere fact of the visits of the defence counsel and their number were very important matters for the police" (Frankfurter Rundschau 4.6.78). The "mere fact" and a number of visits can only be "a very important matter for the police" if the police - and the BKA - as the institution responsible for the isolation confinement, has an interest in increasing isolation and considers visits by lawyers as potentially disruptive.

Following the same line the Federal Government stated in their comment on the complaint to the European Rights Commission that the allegation of total isolation was unjustified since the complainants were permitted to receive an unlimited number of visits from the defence counsel. When the Federal Government says those visits were "permitted", this means that the Government holds the opinion that lawyers' visits are not a matter of right of each prisoner, but permitted concessions, which can be withdrawn if necessary. The contact ban provides further proof, conferences with defence counsel are only possible through a separating glass pane. The underlying idea is

that as long as the defence counsel can still visit, isolation should still be maintained by means of the separating glass pane.

- (ii) A further objective to hinder political defence in the main trial is the avoidance of publicity for the state measures which are taken against the prisoners, i.e. the prison conditions as well as publicity for the political aims of the prisoners.

This is particularly so in the court's practice to reject particular petitions. In the trial in Stammheim against Baader, Ensslin, Meinhof and Raspe the main thing, for instance, was the attacks of the RAF during the Vietnam War on the US headquarters in Heidelberg (25.5.72) and on the headquarters of the 5th Army Corps of the US forces in the FRG and West Berlin, in Frankfurt/Main on 11.5.72. The prisoners and their counsel introduced the subject of the American war in Vietnam and its support by the Federal Government in a series of submissions. They had applied to invite as witnesses or experts American military personnel, politicians, former intelligence agents, doctors, journalists, and specialists in international law, to prove that the American methods of warfare contravened international law and to prove that the prisoners' actions were legitimate according to the rights of resistance and international law. The court rejected all petitions as not being relevant to the subject matter: See Critical Justice 1977. The same objective is the above-mentioned restriction on the prisoners' rights to issue declarations.

- (iii) The main object of the limitation is the prevention of publicity of the state measures against the prisoners. Counsel for the defence are a preferred object of attack by the state since they are eye witnesses of the isolation and have authentic information about the situation of the prisoners. In the decisions about lock-out of lawyers from the trial or about the arrests of lawyers the court stated openly that these were their reasons. The OLG Stuttgart, for instance, locked out Dr. Croissant from the trial against Baader, Ensslin, Meinhof and Raspe with

the argument that he had stood up for the appeals of the prisoners to end isolation during a church information evening, and that he had organised an interview between his clients and the magazine "Der Spiegel" during the 3rd hungerstrike (1974/75). In the same decision the OLG Stuttgart looked already at the use of certain phrases as proof of "support" or "recruiting": "He spoke about 'eliminating machinery', 'isolation torture', 'elimination confinement' and 'elimination interest of the state prosecution and state security office'. Both of these statements have adopted in form and content the expressions of the members of the criminal association. In a similar way the same court justify the later arrest of Croissant; see L'Affaire Croissant, 1977, p. 99 f.

VII. CRIMINALISATION OF THE STRUGGLE AGAINST SOLITARY CONFINEMENT
(ARTICLE 9 AND 19 OF THE COVENANT)

1. The prosecution of the lawyers is closely linked to the criminalisation and arrest of other persons who publicly support prisoners for being imprisoned together. The legal basis hereto is Para. 129a of the StGB. Only few examples are mentioned:
 - (a) On 6.2.81 the OLG Stuttgart convicted three persons under Para. 129a StGB because of the following events:
 - at an election meeting of the then Minister for the Interior, Herr Baum, they held up a poster demanding that the prisoners from the RAF be imprisoned in groups. The OLG Stuttgart interpreted this as "recruiting" and "support". Also see the statement of Amnesty International in their Annual Report of 1982, p.338.
 - (b) In 1981 the same court sentenced two persons because of the following:
 - during the hungerstrike in spring 1981 they had distributed pamphlets in the University of Karlsruhe which called for the support of the hungerstrike. Shortly afterwards both of them were taken into remand custody and were later sentenced to 1½ years of confinement. Amnesty International criticised this practice in their Annual Report of 1981 and 1982 as "Gesinnungsjustiz". This practice is Arbitrary Confinement (Article 9 of the Covenant) and contravenes the right of free speech (Article 19 of the Covenant). The above mentioned people are kept in isolation confinement.
2. In recent times the Justice Department has widened the use of Para. 129a to include what is called the "legal RAF" and to include persons who live legally but participate in actions of the RAF. This concerns people who declare their solidarity with the RAF prisoners (support the demands for joint imprisonment, write letters to prisoners, etc.).

The example to mention here is the proceedings against Helga Roos who has been held in custody since 16.10.81. The charge against her is that she had supported an attack by the RAF against NATO-General Kroesen. The proof of the allegation of "support" was replaced by the Federal Prosecutor with: "the wish of the accused to support the terrorist association of the RAF with actions which in themselves are not punishable, e.g. watching out for cross-roads supervised by a camera, the buying of a tent and of food, but is a consequence of her identification with the aims of the association."

The prosecutor names as proof for this "identification" a reader's letter published in the left daily paper, the quoted discussion during a visit to a prisoner from the RAF, letter contact to a prisoner. The conclusion of the Federal Prosecutor was: "the accused has been embedded in the surroundings of the RAF for years". The proof of the factual evidence has been replaced by the prosecution of political thoughts.

Helga Roos was sentenced to 4 years and 9 months because of "membership". The claim of the "legal RAF" includes thus the possibility of sentencing unwanted persons, not only for "support" or "recruiting" for RAF but also for "membership" with sentences up to 5 years and in the cases of ringleaders up to 10 years.

3. The politicised justice system has initiated a series of proceedings under Para. 129a against RAF prisoners and their relatives, friends and lawyers. All in all there are at least 43 proceedings, 32 against prisoners (1981). During these proceedings the Justice Department searched the cells of prisoners, as well as lawyers' offices, and houses and has confiscated letters, private notes, reports about the prison conditions of prisoners, and theoretical writings. In essence, the (confiscated) papers dealt with isolation confinement, the demands for joint custody and thoughts about how these demands could be formulated and put into action.

It needs to be stated that all of these papers had passed the censorship of the control judges. The arguments for these measures were: "the arrested members of the association do not want to be in joint custody with other prisoners from the 'anti-imperialist resistance' to obtain better prison conditions, but to establish better conditions for the pursuit of their terrorist aims even in prison ... the discussion about how the demands could be formulated, how they can be politically justified and what campaigns and actions would have to support them, all constitute for RAF members, factual evidence of their membership of this association ... for persons who are not members of the RAF, participation in the above-mentioned actions in the full knowledge of the real aims of the RAF means its support of the terrorist association". (Decision of the investigating judge of the BGH, 22.8.83)

This form of reasoning is factually and legally incorrect. It's factually untenable since it excludes the existence of the isolation condition, its physical and psychological consequence and the objective which is to be achieved through isolation, i.e. to break the identity of the prisoners.

It is legally incorrect, since it postulates indirectly a duty of the prisoner to submit to the destructive process of confinement in isolation without resistance. The argument of the BGH states verbally: "a prisoner who does not accept confinement in isolation has terrorist aims, a group of persons who fight against isolation is a terrorist association. Relatives, friends and lawyers have a duty to accept confinement in isolation, if they do not do that they make themselves punishable of the offence of "support" or "recruiting".

The above-mentioned measures contravene the right of the accused to free information and expression of opinion under Article 19 of the Covenant. It must be emphasised that the criminalisation can begin earlier than in the above described cases: the participation alone in non-public discussions and private exchange of information can lead to being criminalised.

VIII. CONCLUSION

The measures taken by the state against the RAF and against political prisoners amount to a special law whose legal basis is the Para 129 and 129a of the StGB*. It leads to the loss of rights of the prisoners in question. The state operates a form of covert martial law against these persons. Another characteristic fact is that the separation of power between the legal and executive departments and between the Federal Government and the Regional Government (the Federal Principle) is not applied to the prisoners. The examples of the conditions of confinement show this clearly. The investigating judges are formally responsible for the custody conditions of remand prisoners and prison directors - at least the Minister of Justice of the regional countries - are responsible for other prisoners. In reality however it is the Federal Government of the BKA, Department TE (Terrorism)

- in the BKA there exists a committee for the conditions of custody of political prisoners (see Amnesty International conditions of confinement in the Federal Republic Germany, May 1980, p.15)
- whether a high security wing is used or not is not decided by the judge but the prison administration
- in all prisons where political prisoners are held so-called security inspectors exist who are responsible for the control of the prisoners. Those officers are in direct contact with the BKA and with the political departments of the Regional Criminal Offices
- the visits of the prisoners are supervised by police officers, discussions are noted down. The BKA collects information about the visits, including lawyers visits, which are stored in a computer "Datei Haftlingskontrolle" (control of prisoners); see Koch, Peter; Oltmanns, Reimar: SOS. Freedom in Germany. 1978, p.91.

In this context it is important to mention plans for the introduction of martial law in "extraordinary situations". These plans are explicitly based on the thought that the

measures and laws against the RAF and political prisoners so far practically constitute conditions of martial law and that it is only necessary to draw the consequence from this situation. It confirms the theory that the above-mentioned measures have a character of martial law.

These measures are the expression of a political concept, which has been developed under the name of "counter-insurgency" in Western states, especially in the USA and in Great Britain - (particularly developed in the practice of suppressing uprisings in the colonies and situations of inner crisis, for instance in Northern Ireland, Italy, and also in the FRG). Heads of State combine military and civil methods with the aim to destroy enemies of the state and to halt all critical movement amongst the people so that complete identification with the state can be achieved. The Charter of Human Rights is without meaning in this context since it takes as its premise the non-identification with the state a distance from it and also the lack of trust in state power.

* Bockenforde: The Repressed Martial Law. NJW 1978, p.1881 ff; Schroder: Statelaw at the Border of the Regal State. AOR 1979, p.121 ff; Bockenforde: Martial Law and the Democratic Legal State: specialisation for Martin Hirsch, 1981, p.259 ff.

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2. Decision of the European Commission for Human Rights, Strasbourg, 1978
3. Letter of a prisoner detained in a "dead wing"
- 3 b. Expertise of Prof. Rasch, psychiatric examination of the prisoners from the RAF in Stammheim, 10.9.1975
4. Detention order against Hanna Krabbe, 1975
5. Detention order against Verena Becker, 1977
6. Description of the high security section of Lübeck
7. Description of the high security section of Celle
8. Description of the high security section of Berlin-Moabit
9. Duration of confinement in isolation - examples
10. Confinement conditions of Irmgard Möller
11. Hunger strike declaration, 8.5.1973
12. Hunger strike declaration, 13.9.1974
13. Position taken on hunger strike by the Federal Government's Attorney General in December 1974
14. The request from the comrades in freedom to the prisoners on a hunger strike, 2.2.1975
15. Hunger strike declaration, 29.3.1977
16. Report from Ingrid Schubert on the situation in Stammheim, 26.4.1977
17. Cessation of hunger strike, 30.4.1977
18. Cessation of hunger strike, 2.9.1977
19. Hunger strike declaration from 20.4.1979
20. Cessation from 26.6.1979
21. Hunger strike declaration from 2.2.1981
22. Selection from the talks between the government mediators and a lawyer for the prisoners on the night of 15/16.4.1981 about the conditions for the interruption of hunger strikes
23. Detention order against Sieglinde Hofmann, 1980
24. Letter from Lutz Taufer
25. Report from a prisoner about "contact ban"
- 25.b) Confinement conditions of Guenther Sonnenberg
26. Report by Karl-Heinz Dellwo on mistreatment, 25.9.1978
27. Press release from the lawyers of Bernd Rössner, 31.3.1983. Assault by a raiding squad
28. Newspaper report from the lawyers of Bernd Rössner, 22.4.1983, Bernd Rössner starts a "Schmutzstreik" (strike against cleanliness)
29. Report about forced feeding of Holger Meins on 12.10.1974
30. Report about forced feeding of women detained in Hamburg in April 1977
31. Report about forced feeding of Hanna Krabbe on 6.12.1978
32. Report about forced feeding of Karl-Heinz Dellwo in March 1981
33. Transcript of the attack against the prisoners in Stuttgart-Stammheim on 8.8.1977, written by Ingrid Schubert
34. Forced confrontation of Stefan Wisniewski
35. Last Letter of Holger Meins
- 35 b). The petition by Attorney Dr. Croissant on 7.2.1977 in the process against the Commando Holger Meins
- 35 c). Response by the Federal Attorney Generals from 16.2.1977 refusing the petition of the defense attorney on 7.2.1977
36. Message from the Federal Attorney to the defense lawyer of Siegfried Hausner
37. Statement by Irmgard Möller before the Examining Committee of the Landtag from Baden-Württemberg on 16.1.1978 about the occurrences of the 17/18.10.1977 on the seventh floor of Stuttgart-Stammheim
38. Report on the Separating Window
39. Death of Ulrike Meinhof. Report by the International Examining Committee
40. How the FRG supports the war by the USA in Vietnam which is contrary to international law - petition by the defense attorneys of the prisoners of the RAF in the process in Stuttgart-Stammheim on 22.6.1976
41. The argumentation for the rejection by the court in Stuttgart-Stammheim on 22.6.1976

Appendix 1

Decision by the Federal Supreme Court, 27.10.75
Karlsruhe A2 1 STE/74 STB 60-63/75

b) The complainants live under other conditions of imprisonment. They have to comply with restrictions which, according to the expert report by Professor Rasch, are not compensated for by "privileges" granted to them. They (the prisoners) are, however, themselves responsible for the circumstances which contribute to their unfitness to attend trial.

The complainants belong to a miniscule group of the population who, contrary to the majority, considers it necessary to change society against its will by ruthless armed violence and not by the usual means of a democratic process - whereby it is doubtlessly true that the society in the FRG, like all societies, could, to some extent, be improved.

The (complainants) unrealistic view of social conditions and their real chance of affecting those has led to a fanatical pursuit of their aims which they pursue even whilst in prison as remand prisoners. They consider themselves as imprisoned members of an armed group (R.A.F.) who fights against the state with all the means available to it, who does not recognise the laws of the state or its agencies, particularly agencies of law enforcement and justice. They have not only succeeded in keeping in contact with each other through the help of their lawyers who circulate information between the (prison) cells, but they also manage to issue orders for further (violent) actions to their fellow terrorists who were still at large.

They do not only keep to their right to remain silent when faced with charges and to the preparation for trial, they also plan for their liberation by means of force. One of them, Andreas Baader, has been freed once already and an innocent bystander was gravely wounded in the process. The attack on the German Embassy in Stockholm, which claimed several lives, also served as a plan for their liberation by exerting pressures on

representative agencies of the German and Swedish states. The abduction of the Berlin politician Lorenz succeeded in forcing the liberation of several terrorists close to the accused. Furthermore the accused undertake to disrupt the order of the penal institutions at their most sensitive points. As can be deduced from the evidence submitted in connection with the contested order, their (the accused) aim is to agitate the other prisoners and to instigate "revolution in prison". In the present proceedings which do not require witness evidence (Freibeweisverfahren) and other documents mentioned in the court order and presented by the Court of Appeal in support of the different complainants, are not important (to the decision) so that there is no need to discuss these further. In the event that the documents will be of importance for the allegation it is not necessary at this point of the proceedings to request a subpoena of witnesses (Strengbeweis). (Ref. to Loewe, Rosenberg, StPD 22 Aufl. SS 244/2, 2) It is sufficient that the documents reflect the strategy of the RAF as seen by the complainants, and that each of them is totally committed to the aims of this criminal organisation which are largely self-determined. The arguments given by the defence and cited in the above-mentioned texts against the conclusion of the High Court miss the contents (of the text). They (the arguments) also leave out the context in which these occur in the texts.

The dangerousness of the complainants which became evident in the above-mentioned context, left no choice to those who were responsible for the planning of remand custody other than to increase the severity of the prison conditions. The accused and their lawyers have, for a long time, claimed that this particular form of detention is inhumane and destructive isolation torture. This allegation can only be understood as inflammatory defamation particularly as the conditions of confinement, the extent of their severity and duration, is forced upon the authority by the behaviour of the accused. It was evident that they are aware of the negative effect of these prison conditions. There are no serious doubts that in view of their above average intelligence they have long been aware of the effects of the isolation upon their fitness to stand trial.

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For officials connected with the custody and trial of the accused these effects have long been masked by their extraordinary activity. If, however, they persist in the behaviour which forces the agencies of the state to apply such conditions of confinement, the accused have reckoned with the occurrence of their condition of unfitness to stand trial. This is sufficient proof for "intended behaviour" according to para. 231a Section 1 StPO (Kleinknecht, aaO, Ann. 2)

3. More important even is the fact that the complainants exposed their already endangered condition of their unfitness to stand trial to further stress through hungerstrikes. They cannot refer to their claim that the hungerstrikes are directed against illegal treatment. The correctness of the conditions of confinement have been confirmed by the appropriate courts and were examined by the constitutional court and have passed judgement by the European Commission of Human Rights. Like everyone else the complainants have to content with final decisions like everyone who is subject to the law. The fact that they refuse to comply is attributable to their principal disregard of legal decisions and the state rule whose peaceful function is recognised by citizens of the state who follow the law. The argument of the defence who deny this correlation amounts to a demand either for the prisoners to be detained under conditions which would ease the continuation of their activities as a criminal organisation including preparation for their liberation, or is aimed at a cessation of the trial against them.

Everyone can see that the hungerstrikes would, or at least could, lead to a reduction in fitness to stand trial and the accused cannot have been unaware of it. This is clear from the secret message on 4 February 1974, by A. Baader, quoted on page 10 of the contested decision, which says that the hungerstrike should not stop this time so that "someone should die". So in this case too the accused have acted at least to a limited extent, with intent.

The assumption, that the accused have never in the past paid heed to their state of health and have ignored the danger to their fitness to stand trial, is continued by the circumstances described on page 15 of the contested decision. The quotation which is attributed to the complainant Baader is on the other

hand of no importance to the decision, the High Court was not able in this context to find any additional reproachable behaviour by the accused.

(Translation in English)

DÉCISION DE LA COMMISSION

S. 21-23

SUR LA RECEVABILITE

des requêtes Nos. 7572/76, 7586/76 et 7587/76
présentées par Gudrun ENSSLIN, Andreas BAADER et Jan RASPE
contre la République Fédérale d'Allemagne

La Commission européenne des Droits de l'Homme,
siégeant en chambre du conseil le 8 juillet 1978 en
présence de

MM. J.E.S. PAWCETT, Président
G. SPERDUTI, premier Vice-Président
C. NØRGAARD, second Vice-Président
F. ERMACORA
M. TRIANTAFYLLOIDES
E. BUSUTTI
L. KELLBERG
B. DAVER
T. OPSAHL
J. CUSTERS
G. TENEKIDES
S. TRECHSEL
B. KIERNAN
N. KLECKER

M. H.C. KRUGER, Secrétaire de la Commission ;

Vu l'article 25 de la Convention de Sauvegarde
des Droits de l'Homme et des Libertés fondamentales ;

E 25. 436
06.2

5. The complainants were indeed subject to exceptional conditions of confinement; this is apparent in their exclusion from the prison community and their being accommodated in a security wing. The West German government explained the reason for the exclusion of such security prisoners as follows: the complainants were dangerous; they had used fire-arms while being arrested; Baader had previously been freed by force arms; several times armed attempts were set in motion by members of the Red Army fraction with the intention of freeing the complainants; there were abundant indications that they had themselves contributed to these actions (compare the decision to personal complaint no. 6/66 73 D et R 2 page 66). The commission was convinced that there were compelling reasons in this case to enforce the sentence with the view to utmost security.

The exclusion of a prisoner from the community life of the prison does not in itself represent any kind of inhuman treatment. Intensified security precautions for dangerous prisoners exist in numerous member-states of the convention. These measures, which exist to provide protection against the danger of escape, aggression against or disturbance of the prison community, and even to protect the prisoner from the fellow inmates (solitary confinement, removal of association, allocation in every small separate units) comprise of separation from the prison community together with intensified measures of control. The commission has already occupied itself with a certain number of such cases of confinement (see decisions concerning the following personal complaints: No. 1392 62 against the Federal Republic of Germany Rec 17, page 1; No. 5006 71 against the United Kingdom, Rec. 39, page 91; No. 2749 66 against the United Kingdom, Ann X page 382; No. 6038 73 against the Federal Republic of Germany, Rec 44, page 155, No. 4443 73 "Duplese Affaire grecque" Rec. 34, page 70). The commission made the comment at this time that extended solitary confinement is undesirable, above all when the person under involved is awaiting trial. (see decision concerning personal complaint No. 6038 73 against the Federal Republic of Germany, Rec 44, page 115).

To be able to judge, however, whether such a measure is applicable under article 3 of the convention, consideration must be given to the special circumstances, the severity of the punishment, its duration, the intended purpose and, not least, the effects on the person concerned. There can be no doubt that sensory deprivation combined with total social isolation leads to destruction of the personality; thus it represents a form of inhuman treatment that cannot be justified by the requisites of security; the prohibition of torture or inhuman treatment under article 3 of the convention is unequivocal (see commission's report personal complaint No. 5510 71 Ireland v. United Kingdom; Opinion page 379).

6. At the time of filing their complaint, Baader, Ensslin and Raspe had been in the Stuttgart-Staßheim Prison for more than a year and a half; they remained there until their deaths. There is nothing to suggest that they were subjected to sensory deprivation there. From an inspection on the 19th and 20th October 1977, the delegates of the commission were able to establish that the cells were well lit by windows which could be opened from the inside. There were a good number of both books and posters to be seen on the cell walls. There was sound-proofing on neither the inside nor on the outside of the cells and it was possible for two people in cells on opposite sides of the passage to speak to one another with raised voices. The complainants had almost continuously a radio at their disposal and subsequently a television and a record-player. They were allowed to exercise every day in the fresh air in an area on the roof.

7. The complainants were not subjected to secret or continual observation. They were, indeed, openly guarded during several hours that they spent in the passage together - during which time the cell doors stood open. There were, however, no closed circuit television cameras in the cells and most of the spy-holes in the cell-doors were covered on the inside. 8. The complainants were, on the other hand, subject to a certain degree of isolation. Their exclusion from the communal events of the prison meant that they had no contacts with other people who were very restricted. One cannot, however, talk here of actual

solitary confinement. Apart from brief intervals, they received numerous visits from their defence counsel and members of their families. As a result of their hunger-strike and on the advice of the prison doctor and the specialist empowered by the court, the possibilities of contact with another were constantly increased even to the inclusion of other members of the Red Army Brigade. They were even allowed to make contact with other prisoners during the time spent in the prison yard and other forms of participation were allowed. Since the time of their being admitted to Stammheim, contact had been forbidden with one another only five times - in two of these instances this included contact with the outside world. These restrictions varied in duration from five days to two months.

9. From the medical evidence to be found in the files it cannot be established that a connexion exists between the effects of this confinement on their mental and physical condition and that resulting from other factors such as duration of sentence, hungerstrike or stress brought about by preparation for the trial. It has been established from several general reports, that "normal" imprisonment over a period of four to six years results in such characteristics that were noted among the complainants. These were: emotional disorders, impairment of judgement and insight, and changes in behaviour which manifest themselves in a return to infantilism and a change in attitude and behaviour towards the community (European Council - European Committee for Penal Law Problems - general report on the treatment of long-term prisoners).

10. It would be true to say that a certain widening of the possibilities of making social contacts was granted in relation to the hungerstrike. In considering the circumstances of the case, in particular the constant control over prison conditions by the authorities of the Federal Republic and the behaviour of the prisoners themselves, who turned down some of these possibilities of the contact, it cannot in any way be maintained that the complainants underwent physical or mental treatment which was intended either to punish, to destroy the personality or to break resistance (see European Court of Human Rights Ireland v. United Kingdom. Ruling from 18 Jan. 1978 para 167) See also the deposition over the protection against torture contained in the resolution 3452 (xxx) of the General Assembly of the United Nations. The special sentence, imposed on the complainants, could not, accordingly, be regarded as inhuman

Appendix 3

LETTER BY A PRISONER FROM THE SILINI WING

"During the period 16.6.72 - 9.2.73:

- the feeling that the head is exploding (the feeling that the scalp will tear apart, explode)
- the feeling as if the spinal chord was pressed into the brain
- the feeling as if the brain was shrinking, like dried fruit for example
- the feeling as if one was continuously and imperceptibly being subjected to electrical currents, like being remote-controlled
- the feeling that all associations are being chopped away
- the feeling that one was pissing one's soul out, as if one wasn't able to hold water
- the feeling that the cell moves, one awakes, opens one's eyes, the cell moves; in the afternoon when the sun shines, the cell suddenly stands still. It's not possible to stop the feeling of moving
- one can't establish whether the trembling comes from a temperature or because it is cold
- one can't establish why one is trembling - why one feels so cold
- to speak with a normal voice is very exhausting, like talking with a loud voice, nearly shouting
- the feeling that one is going dumb
- it is no longer possible to identify words, one can only guess
- the use of hissing sounds - s, ss, tz, z, sch - is absolutely unbearable
- prison officers, visitors, exercise seem made out of celluloid - headaches - flashes
- construction of sentences, grammar, syntax - no longer possible
- while writing: two lines - at the end of the second line one can no longer remember the beginning of the first
- the feeling to burn out inside
- the feeling that if one would describe to somebody what is happening, if one would release it, it would be like throwing boiling water over that person's face, like boiling tank water, which would scald him for life, disfigure him
- raging aggression for which there is no outlet. That is the worst. A clear consciousness that there is no chance to survive this; complete failure to explain this to others;

- visits leave no traces. Half an hour later it is only possible to construct mechanically whether the visit was today or last week
- to have a bath once a week means: to thaw for a moment, to recover - this feeling stays for a few hours
- the feeling that time and space are one and the same
- the feeling of being in a distorted mirror - staggering around.
- Afterwards: terrible euphoria that one can hear something - about the acoustic difference between day and night
- the feeling that the time now moves, that the brain is expanding again, that the spinal chord is moving downwards again - over weeks
- the feeling as if the skin has been removed.

The second time (21.12.73 - 3.1.74):

- a roaring sound in the ears, waking up as if somebody was beating me up
- the feeling like moving in slow motion
- the feeling of being in a vacuum, like being enclosed in lead
- Afterwards: shock. As if an iron plate had fallen on one's head.
- comparisons, conceptions that one thinks of in there:
 - (psycho) tearing wolf -
 - simulation drum (centrifuge) for space travel where the man's skin is pressed down through the speed -
 - Kafka's penal colony - the man on the board of nails -
 - constant riding on the merry-go-round
- the radio: it creates a minimal relaxation, like coming down from speed 240 to 190

That all this is taking place in a cell which from the outside looks like any other cell - radio, furniture, newspapers, books makes matters worse: it contributes to make an understanding between the prisoner and people, who do not know what acoustic isolation means, impossible. It also disorientates the prisoner. (That these cells are white only strengthens the terror, but only because of the silence. When one has understood this one paints the walls.) It is clear that one would rather be dead in that cell.

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Peter Milberg, who was kept in such a cell in Frankfurt-Preungesheim (empty hospital wing), had afterwards accused his judge, that he had 'tried' to kill him. This is simply true, that an 'execution' is taking place in there. Which means: an inner decaying process takes place - like the way that substances dissolve in acid, which can be slowed down by concentrating on resisting it, but it cannot be stopped.

Part of the malice is the total de-personalisation. Nobody else, apart from oneself, is in this totally exceptional situation.

As a means/method it can be clearly compared to the way they treat the Tupamaros for example: to inject them to produce an agitated condition and death agony and just before the point of death inject them with Pentotal - which creates a sudden relaxation and euphoria. The prisoner, they think, will now lose his self-control and he will talk."

Appendix 4

The Prison Governor
of the Prison Essen

13.6.75

To the
Judge at the Federal Court
75 Karlsruhe 1
Postfach 16 61

zu BJs 50/75
II BGs 101/75

Ref: remand prisoner Hanna Krabbe, born 24.10.45;
here: directive for special security measures
Ref: decision by the Federal Court from 5.6.75 -
I BJs 50/75 - II BGs 101/75
No. 62 ff UVollz0

According to the above named decision the remand prisoner Krabbe will shortly be transferred to the prison in Essen. I have considered the following special security measures:

1. Strict solitary confinement.
2. Confinement of the prisoner in a cell with a specially secured window
 - (a) with additional steel bars to stop escape attempts
 - (b) with a special securing of the tipping window to prevent prohibited contact with other prisoners.
3. Securing of the cell with an additional padlock.
4. The cell of the prisoner will only be opened and entered in the presence of at least 2 prison officers.
5. The cells to the right and left of the prisoner's cell will not be occupied.
6. Daily search of the prisoner, her belongings and her cell.
7. Repeated observation of the prisoner at irregular intervals, but at least every 15 minutes day and night.

8. Exercise period at irregular times.
9. Outside of her cell the prisoner will always be accompanied by at least 2 prison officers.
10. The handing over of food, exchange of linen, clothing and prison books, the emptying of the wastepaper basket will only be handled by prison officers, never by prisoners.
11. Bodysearch of the prisoner and her clothing before and after every visit - including visits by her defence counsel. She has to undress completely.
12. Bodysearch of all visitors - including defence counsel - with a metal detector and thorough search of the clothing and any objects brought along. We will insure that the content of the material brought by the defence counsels will not be looked into by the searching officers.
13. The ordering of, for example, newspapers, magazines and other printed matter will only take place under supervision by the prison administration.

I request consent according to no. 62, para 2 UVollz0. The Federal Prosecutor's Office has received a copy of this letter.

Eickmeyer

certified Voss
Administration employee

locu-Appendix 4

Appendix 5

The Judge at the
Federal Court

Karlsruhe, 11 May 1977

I BJs 26/77
II BGs 482/77

Decision

in the preliminary proceedings
against

Verena Becker, born on 31 July 1952 in Berlin, accused of
offences according to para. 129 a StGB

The following has been ordered in view of an application by the
Federal Prosecutor at the Federal Court according to para 122
StVollzG, paras 119, 149 StPO:

The prison conditions of the accused will be regulated as
follows:

1. It is inadmissible to confine the accused together with other
remand or sentenced prisoners in the same cell.
2. The cell door of the accused will be equipped with an additional
padlock.
3. The cell window will be equipped with a safety device to avoid
uncontrolled contact whereby it has to be ensured that there
is still sufficient visibility, sufficient light and sufficient
ventilation.
4. The light in the cell of the accused will only be turned on
at the times that it applies for other prisoners.
The use of other light sources such as standard lamps, torches
or candles are prohibited.
5. The prisoner will not be allowed to attend prison events and
church services. The accused has always to be kept apart
from other prisoners. This also applies to other events
within the prison, for example while presenting herself to

the administration, to the doctor, when taking a bath, etc.

6. She will receive her food individually from two prison
officers without the presence of other prisoners.
7. She will have exercise on her own. The exercise period will
be stopped immediately if the accused misuses it by causing
disturbances, especially if she doesn't follow orders, if
she insults prison officers, commits damage to property or
physical attacks, or tries to establish contact with other
prisoners.
8. The accused is not allowed to wear her own clothes. Should
it be necessary for medical reasons to wear other than prison
clothing (shoes for instance), the prison administration will
decide in this case after consultation with the Federal
Prosecutor's Office.
9. The accused, her cell (including window, bars, doors and
padlocks) will be searched and examined daily. It is pro-
hibited to take notice of the defence material.
10. The accused is to be observed repeatedly. The observation
is to take place at irregular intervals. The cell lights may
be switched on for a short time at night if the inspecting
prison officers cannot convince themselves otherwise about
the presence of the accused.
11. There will be a separate decision about the use of her own
radio. The use of a record player, sound recorder, cassette
recorder and television set is prohibited.
12. The accused may receive visitors, after each visit has been
individually approved. Visits beyond the usual times and
on Saturdays, Sundays and on special holidays are not per-
mitted. This also applies to visits by defence counsels.
Several visitors at once will only be allowed under exceptional
circumstances. The generally valid visiting time of 30
minutes can only be extended by permission for each individual
visit. The visit will be stopped immediately if it is being
misused by the visitors or the accused (for example by not

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following the instructions of the observing officers, passing on things, passing on coded messages). The visits have to be observed. The observation will be regulated in accordance with the Federal Prosecutor's Office.

- 13. The visitors are not allowed to pass on food supplies to the accused as well as other objects, with exception of those articles which are usually passed on during visits and used up immediately (like cigarettes). As far as visitors want to give other food supplies to the accused they can do this by paying money into the prison account of the accused.
- 14. Visitors of the accused will be searched before each visit, their clothes and any objects they might carry will be investigated. The use of a metal detector is admissible. Male visitors have to take off their jacket. Coats will always have to be taken off. Female visitors will be searched by a female prison officer.
- 15. The accused will before and after each visit take off all her clothes and change into a new set of clothes.
- 16. Defence counsels will have their clothes and bags searched with the aid of a metal detector, except their defence documents. No. 14 applies accordingly.

Defence counsels are not allowed to take dictation machines, sound recorders, folders or similar, including accessories, into the visiting room. Folders belonging to the prison will be given to the defence counsels for the duration of the visit to keep their papers in if they so wish.
- 17. Documents or other objects of the defence counsels have to be submitted to the responsible judge before being passed on to the accused. Should the person in question refuse to submit the papers to the judge first, then they will not be passed on to the accused. This also applies to so-called defence mail from and to the accused, even if it is meant to be passed on directly from the accused to the defence counsel.
- 18. Should there be an acute danger to the health or life of the accused the prison governor can decide about a transfer of the accused without judicial consent. The use of handcuffs is permitted. The prison governor will decide about the

requirement of accompanying officers.

- 19. The officers of the Federal Criminal Office (BKA) - Dept. 1E - are allowed to see the accused at any time and to take her out of prison for inquiry purposes. When taking her out the inquiring officers are responsible for her.
- 20. In- and outgoing mail is - as far as it is subject to observation - to be sent to the judge for examination.
- 21. As far as any rules have been missed out in above named order the rules of the 'Strafvollstreckungsgesetz' apply. Should concessions be granted and should there be any doubt that this could prejudice the object of the remand imprisonment, then a preceding consultation with the judge is necessary.

Reasons:

The accused is presently serving a sentence. But an arrest warrant has also been issued against her because of strong suspicion of murder, attempted murder, membership in a criminal group and other offences.

With persons, who are strongly suspected of being members of a criminal group and who are charged with the most severe crimes, we have to be constantly prepared - in view of the considerable hostility towards the law as a result of their group relationship - for escape attempts and their preparations as well as for attempts to influence those co-criminals still at liberty, their supporters and sympathisers. In this case it has to be added that the accused has evaded the execution of a legally pronounced sentence under exploitation of a severe crime committed by a third party.

Within the framework of the execution of the arrest warrant the above named measures have to be taken. They are necessary to ensure the object of remand imprisonment. Association with other prisoners cannot be considered at the present level of inquiry. Association has to be excluded especially with those prisoners who have been supported or were going to be supported by the group working with the former lawyer Haag as well as with other members of this group. Even for reasons of health it cannot be permitted.

Appendix 6

Preliminary Report of the Silent Wing in Lubeck, August 1979

The prison complex consists of two wings; the old building and the low building which was built later. The old building is an empty wing which joins onto the Silent Wing in an L shape. We are in the Silent Wing. The wing area is shut off from the adjacent administrative building by a locked steel door with non-transparent glass.

In front of the steel door which is outside the wing, is the entrance to the glass partitioned cell for lawyers and all other visitors. Inside, there are two more steelgrated doors, one to the old wing and one to the new. In between is the door through which we get into the glass partitioned cell. In contrast to 1978 the visitor now doesn't see anything of the wing. Formerly the visit was in a cell in the wing itself. Nobody can enter this wing and we can't get out.

The glass partition consists of a three layered thermophen glass window fixed into a wide metal frame which is perforated on the left and right side.

Every kind of contact with our relatives and friends is therefore eliminated whether it is embracing, seeing or hearing. You are sitting opposite each other as if on a monitor, so that we have to ask ourselves if we still want these kinds of visits.

As we have been told 'an exception is perhaps possible from case to case, on application' by visits from relatives.

Underneath the old wing the basement has been improved. There are now our belongings and the showers; other prisoners don't get there, which means administratively: the distribution of clothing, the storage of the 'belongings' etc., runs completely separately.

Formerly we were able to leave the wing once a week, to take a bath, 30 minutes. This has now been stopped, which means the wing complex is absolutely tight.

to endanger further investigations by allowing prisoners to be together or to facilitate preparations for an escape attempt. The injury to her health as a result of the shooting injury incurred by the accused herself is very minimal; it is merely a fleshwound caused by a gunshot which penetrated right through. The mental damage feared by the defence counsels cannot occur at such an early stage of imprisonment according to the understanding so far, but only - if at all - after an imprisonment of several years. It has to be added that the condition of the accused has so far been very robust....

(den Best des Satzes kann ich nicht ubersetzen, weil da was fahlt, Seite 165/166)

To order an easing of prison conditions is not a matter for the responsible judge in this case. According to para 122 StVollzG only restrictions on the liberties of the prisoner can be ordered but not special facilitations. In this case only the responsible prison administration and, if necessary, the executing court can decide. We refer to no. 21 of the regulations.

signed Kuhn
Judge at the Federal Court

It is so organised that nobody apart from us and the pigs come into the wing; for example the pigs do the cleaning which is normally done by prisoners, themselves.

The control over the prisoners is complete.

The visual and acoustic surveillance on the outside and inside has been perfected.

In the corridor of the old wing is a new camera, in the Silent Wing the camera has been installed in a box at waist height. In the yard, who nobody except us enters, there are seven cameras which cover the whole area: one between the wing and the inside wall that separates the wing from the other prison, 4 cameras along the outside wall, 2 on the old wing which film the Silent Wing and can watch us when we stand at the window.

The monitors are in the control room, and in the guard room which is situated at an angle between the two wings.

On the outside wall of the Silent Wing on top of the windows there is a double loudspeaker like the one on police cars. It secures the communication between control room and pigs, gives the command for the end of the exercise period and probably records what we are saying at the window.

In front of the cells there are 4 boxes, each built into the wall so that the electricity and light can be switched off from the outside and all other installations, electronic, water, etc.

In contrast to the electronic installations the 'bell' in the cell has not been changed. This is a stick with a red metal flag that has to be pushed into the wall. What is new is if you push the stick a green light appears, when the door is opened a yellow light shines, when the lights are turned on at night this releases a whistle sound etc.

Every sound by us is monitored electronically. The opening of the doors by the pigs is monitored in a control room outside the

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wing. According to Justice Senator Meyer, the signal lights indicate that the microphones are switched on. The camera covers the corridor at the same time.

The cell door is always opened by 4 female screws, or 2 female and 1 male screw.

During exercise periods we are guarded by 2-3 female screws and 1 male guard, who are carrying walkie-talkies and are posted in a half circle with a fairly wide gap between them. They hardly talk to each other but observe us - sometimes they move closer together without us having behaved differently.

The connection with the control room through the walkie-talkies controls every contact with us, from the distribution of food to having showers.

At night two pigs with MPs patrol in the yard. The whole control system has been fully systematised. Instead of the often crazy, unco-ordinated alarm system which formerly would make shrill sounds at any kind of movement in the wing, everything now moves much more noiselessly.

The cells:

Altogether there are - apart from the visitors cell and 2 big cells (tv and workroom) - 15 cells, 5 of these are in the old wing, these are bigger.

In the Silent Wing there are 10 cells. On the vault doors which have always been secured by 2 bolts, another safety lock has been added; every opening of the door turns into a big operation.

After the hungerstrike in April '78 the 'enlargement of the cells and an alteration to the windows' had been announced as positive changes (from a note of a phone call between Donandt Justice Ministry [Strafvollzugsamt] Hamburg and Lunau, Kiel).

The 'considerable structural changes' turn out - apart from the window - as a thorough securing of the wings. The cells are still small.

The background to this: after the strike in April '78 Dr. Friedland, leading medical director in the Hamburg Justice Ministry (Strafvollzugsamt) visited the wing and wrote 'a small report'. He said: Even if one considered our report as exaggerated, subjective, impressionable, etc., he was shocked about the small cells and the lack of air. Thereupon Dr. Armbruster (same function as Friedland in Kiel) also supported a change. A few days ago Schmelzer, Deputy Director of Lubeck, had been to see him, shown him some photographs and had said now everything had changed and was very colourful (Friedland in a conversation on 1.6.79).

The result is that the old windows, through which not enough air was penetrating, have been replaced by normal windows with the usual prison bars. The changes that have been made to the windows are openly in contradiction with the UNO guidelines. At the same time two massive hooks for wiremesh have been installed outside on the left and right side of the windows.

The beds are no longer screwed down but because of their length and height, are constructed in such a way that it's not possible to move them around. You can only slide them up and down along one wall, but this is forbidden. When we put the bedframes up to have more space in the cell, they threatened us that they would screw the beds down again. An application, to take the bedframe out was rejected. Instead we were 'offered' a second exercise period so 'as to take steps against the limitation of movement'. The exercise period is regulated in such a way by the pigs that it is not possible to plan the period of association, we either can't go into the yard, or we constantly have to split up the 4 hours of association.

The cells correspond to the security guidelines, which have been laid down after the Stammheim investigation:
3 white concrete walls, 1 pastel coloured wall, grey steel door, concrete floor with special coating (pvc sprayed), no skirting boards. New washbasin and lavatory, moulded in once piece respectively. Apart from one nail - for the mirror - all the walls are smooth. Bookshelf and drawing pin board are screwed into the wall.

In the steel door is a new bullet-proof glass about the size of a brick which can't be opened (allstop glass), in front of it is a movable wooden board (movable from outside) and on top of it a wide angle spyhole.

Over the bed is a blue control light, for use at night, like an eye. This is also the reason for the prohibition to move the bed. On the cell ceiling is a neon tube.

The wing and yard are surrounded by a wall about 5 metres high, which is whitewashed all the way round. On top is NATO-wire and floodlights.

When Anne and Brigitte were brought into the wing from Berlin in August '76 the trees behind the wall were chopped down, during the 'contact ban' in September '77 the wall was whitewashed and the cameras installed. Behind the wall is the back of the police buildings. From the roof windows the pigs can look straight into our cells. Hardly any sound comes across from there. What you can hear registers itself as something special: you can count the number of times it happens on five fingers. Otherwise we hear nothing except ourselves and the sounds of the surveillance system.

We are cut off from any kind of normal daily rhythm and sounds connected with it. And just as we cannot see or hear other prisoners the other prisoners don't know whether we are in the wing. There is no rhythm/movement one can pursue.

The orientation of time works over the day-night difference and the timetable worked out by the pigs. In contrast to the other prisons, the time-rhythm constantly changes. We don't know yet if there is method behind it. There certainly is with our yard exercise.

They have strictly refused to remove even one of the restrictions on the work materials or to change them:
10 newspapers or magazines, 25 books, 10 files. Batteries for example are stored in the guard room.
We are not getting our radios back because they have shortwave which is forbidden in Lubeck. All the other prisoners except

For our association period the old instruction from '78 applies: 4 hours a day which can be split once. Between 11.00 a.m. and 15.00 and after 17.00 no association. It's practically impossible to organise the association period because the exercise periods are irregular and certain periods are excluded.

TV is three times a week, from 7.00 p.m. till 11.00 p.m. We can leave earlier or go later; they watch to see that we really are looking at the set. In '78 they threatened to stop TV if we talked to each other instead of watching.

Two days ago they demanded that we fix the days for the week in advance without knowing the programme topics.

Whether the same is happening as in '78 with confiscations, applications, etc.,
- that we are not informed of confiscations or hardly get anything
- that applications disappear or lie around for 4 weeks, we don't know yet. We also so far can't say anything with regard to raids, body searches or changes of cells.

With regard to the exclusion of visitors and mail it is the same as it used to be: during the 2 weeks we have been here now, 2 people have been excluded from receiving mail and visits.

Medical care:

In a decree, dated May '79 in Hamburg, the effects of isolation imprisonment were confirmed; because of our 'reduced physical condition' we were declared 'unfit for work in the cell' (prison work), the distribution of basic food (fruit, food with a lot of protein, etc.) was ordered and shopping of 30 DM per month was allowed (this is the lowest amount, 50 DM is possible).

Therefore a visit by Dr. Paeschke, prison doctor, was announced for 21.8.79. On August 17th, it was said to Inga, that he would want to ask her which drugs were necessary for her and the he 'wanted to speak to her especially' because he 'didn't yet know her'.

On August 21st, he just had a quick look into each cell. When it was mentioned to him that the isolation 'medically cannot be justified' he talked to Christa and Inga who had association, about his intention of having them examined by a neurologist and a psychiatrist with the aim of establishing if, as a result of the last three hungerstrikes, brain damage has occurred.

When asked who the psychiatrist was he answered, Dr. Wittig from Neustadt. In Neustadt is the psychiatric prison for the whole of Schleswig-Holstein.

With regard to this prison doctor one needs to know that he prescribes his medical instructions according to the directives of the Justice Ministry Kiel. Before his 'visit' he already said that he would come 'when I know from Kiel, what will be granted'.

Lubeck is an army - and Federal Border police - garrison.

Co-operation between prison and military:

- 1974, when Christa and Margrit were brought here NATO-wire was rolled out on the wall by BGS (Federal Border Police)
- 1976, when Anne and Brigitte were transferred here the trees behind the wall were chopped down by the BGS.
- 1977, when Brigitte was integrated for 14 days into the normal prison system prisoners were working in a yard on a camouflage net for the Federal Army. A male prisoner reported that weapon parts were fitted together in the men's prison.
- a female prisoner reported that in 1976 the holiday replacement for the prison doctor was a military doctor.
- when we asked for raincoats we were given army parkas which are also worn by the pigs here.
- successor to the retired prison pastor became, in 1978, a former military pastor.

The general prison structure is similar to a military structure which goes as far as the language. Greif, prison director says to prisoners: "dismiss".

They have refined the methods which cover up the violent level of the wing: where NATO-wire used to lie in the yard there is now a park bench for example. This also corresponds to - like everything else according to directives from the justice ministry - the "climate", as Donandt calls it, out of concern not to immediately have a hungerstrike on their hands. Shallice calls this 'coolly professional' - or at least it is an attempt.

'Climate' here means also: that at night the MP patrol who are right outside our windows with their finger on the trigger, call us by name and say 'good evening' in a friendly way.

And of course Kiel has also learned: the whole cosmetics - schnick-schnack, which is meant to make the machinery, its clear murderousness unrecognisable and apparently harmless, so as to arm themselves against opposition to the high security and Silent Wings.

In the wing - and this is the main thing we are fighting against here - there is no movement. If we look out of the window we see, for example, a whitewashed wall in surroundings which don't change - where, therefore, never any other prisoners have exercise, where they move, talk, etc.

Everyone of us who came out of the sensory vacuum of the wing (through a transfer to Hamburg) has had the experience that it is like having a hood pulled off your head - even though we were kept there in a security wing inside the prison under exactly the same isolation from other prisoners (and still are). So we can only see and hear them from far away; but they are there, unlike the Silent Wing where there is nothing. Therefore the points of orientation which distinguish 'yesterday' from the 'day before yesterday' don't exist here.

Therefore, what Karl-Heinz says about Celle: 'that all experiences are assimilated which the apparatus has so far made isolation imprisonment' - and these experiences include Lubeck since '74 when some of us had been taken here for the first time.

It is not possible to describe the monotony in the social and sensory vacuum which crushes any spontaneity, we can only confirm and count on what is not. (was nicht is.)

'Changing of prison conditions' can here only mean: out of the Silent Wing and association for us in groups of 15.

Lubeck, women from the RAF

Today, 31.8.79 Christine was brought here, we will write about that.

In the meantime we have further established:

- that at the end of the corridor, between the wing area and the administrative building a further steel door with frosted glass has been installed;
- when the cell doors are opened for exercise a screw always stands behind the locked steel bar door, he guards us going out - besides the camera with which everything can be seen;
- Brigitte remembered from the time in the other building that the normal wing had no cameras;
- the handling of applications happens in the same way as we already experienced in '78 - no answer for up to 3 weeks. For example, no parcel stamps for weeks which means that we can't order any books; all applications that are not purely technical are refused, some newspapers generally confiscated or only some pages get to us; el moudjahid (Algerian government newspaper) for Brigitte is always confiscated: 'foreign newspapers are only allowed through normal newspaper trade, el moudjahid is not known either there or in the prison'. postcards and photographs are taken out of letters.

Generally a hardening is taking place here since the beginning of September:

- the MP patrol at night, we haven't seen for some time. It was obviously a security measure because of Christine's transfer.
- behind the wall the last tree in front of the police houses right opposite has been chopped off to have a completely free view into the cells and the yard.
- another thing regarding medical care: since the beginning of September a Dr. von Marzahn has been coming as "replacement". That he, like Dr. Peschke, starts from the effects of the wing, becomes clear through the drugs which they bring on their own accord or they 'want to provide against lack of concentration ... drugs that stimulate the brain cells ... for young people without side effects ...". When making a diagnosis (by looking at us) he talks about 'special living conditions' but he immediately wants to relativate it by maintaining that the cause for our condition is hungerstrike.

The net of surveillance is altogether so complex and complicated, that we can register details only after some time.

After a few visits have taken place with 'partition glass'. We can say that visits like that are turned into reprisals, are purely meant as an objective for providing information for the pigs and to take the isolation from the outside to the extreme.

That we are now 5 people, doesn't change the fact that the wing is a direct physical threat - through the combination of sensory vacuum, total control and the attempts of the pigs to take any space away from us by programming the daily rhythm.

Appendix 7

Karl Heinz Dellwo after a few days in Celle - November 1978

After 47 days of hunger and thirst strike against total isolation in the security wing of KÖln Ossendorf, Dellwo received a promise from the prison governor that in the next 4 to 5 weeks he would be moved somewhere else to continue his sentence where he would be completely integrated with the other prisoners. As a result of this Dellwo ended his strike on the 7. 11. 1978. On the next day he was flown to Celle (Niedersachsen) by helicopter. Dellwo's Report from one of Germany's top security prisons* follows below; (* Frankfurter Rundschau 13.12.78)

The building in which we are is an open rectangle. That is to say, a long central block with wings going off to the left and right. Opposite the central block there is a building which could be the administrative section. In between is a yard. The buildings are 4 storied in the old style.

This section is on the first floor and extends in a right angle from the central block out into the right wing. In the angle itself stands a control room protected by security Glass. In the wing are six cells, one shower, one toilet and another room, which could be the lawyers room and is certainly not a visiting cell. That is to say that the other 4 cells mentioned in the Newspaper belong to the main block part of this section. Opposite is a row of rooms, which, I think, consist of two cells, the bath, the toilet and the lawyers room. At the end is the exit to our 'exercise yard'. The term is a euphemism.

At the end of our wing there sticks out a 4 storied addition, about 3.5mtrs wide, from here right up to the end of the cell windows - 25 mtrs - runs a 3 mtr high concrete wall. This section of the yard is then sealed off by another wall at angle, this is about another 3.5. mtrs. The top of the wall is curved inwards and crowned by the familiar Nato barbed wire, towards the inside. Also from the top of the wall is a wire net that stretches to above the cell windows (presumably to stop anything that might be thrown down from the other 3 storied.) The yard is watched by two television cameras. The end of the yard by two guards. If you subtract the room they take up and subtract the area taken up by the steps leading to our cells you are left with exactly

20 paces along a 4 storey wall, then 3-4 paces to the opposite concrete wall, where you return 20 paces under an overhanging barbed wire fence. It is obvious that the area you walk on is covered by concrete.

The variety in our perceptual field therefore consists of differing distances from which we can look onto concrete walls. The possibility to see anything has been reduced to a maddening degree.

The cell

This is at right angles to the corridor and has two doors. Also two windows. It is about 5.90 mtrs long and 1.80 mtrs wide. Height 3.50 mtr. Each cell door has a square hole for passing through things. Both windows as well as the holes in the door consist of 'Allstop' re-enforced glass. The windows, which are enormously massive, cannot be opened. The slightest breath of air penetrates through the airconditioning apparatus beside the window.

The windows are about 1.10 mtrs wide and 1.5 metres high. 50% of the area consists of re-enforced glass, 50% of frame. This is important. Nothing radiates the feeling of total isolation and separation as blatantly as these windows. There is no contact to the outside, not even through the ventilation. This is constructed in such a way that no sound penetrates either from outside to inside or vice versa.

The cell is painted yellow, there are two large neon lights on the ceiling, on a wall another tiny tiny tiny light over a piece of tin inserted into the wall which is my mirror. You recognise yourself in there as if behind a curtain of fog. Tin toilet. tin basin. security camera.

History of her imprisonment outlined in a letter to the screen court in Frankfurt

- 1) Erlangen: 1st AUGUST 1972 - JANUARY 1
separated from other prisoners, neighbouring cells kept free, no association, 2 visits by relatives.
- 2) Munich 2 weeks
cell on floor with no other prisoner. No association - contacts with guards through a flap in the door. Lights switched on and off at night, caused difficulties in concentration, tiredness, forgetfulness, first joint hungerstrike takes place
- 3) Rastatt 2 1/2 months
tiny cell, no association, no visits, noise from traffic, considerable disturbance in level of concentration, irritability.
4. Gottzell 1 month
as above, no association
- 5) Rastatt 6 months
as above, no association
- 6) Hamburg 2 years 8 months
in a single cell, no association, visits allowed for 1/2 hour
A hungerstrike wins the demand for association with Christa Eckes and Ilse Stachowiak. Stopped after the action at Stockholm, started again for 2 hours twice a week. Medical opinion demanded a change in her conditions. She was able to associate from 7 am to 6 pm with one other prisoner of four and allowed exercise with one woman prisoner. She was given the possibility of sharing a cell with a prisoner, but they refused as the cell was too small.
- 7) Luebeck 2 months
Held in the Silent Ring. Association for 4 hours in trays. Exercise with 4 other prisoners. Association privileges removed when the woman rearranged their cells. A hungerstrike achieves her removal to Stammheim.
- 8) Stammheim 9 1/2 months
First kept in prison hospital, then put on the 7th floor. Association with G. Ennslein, I. Schubert, J.C. Raspe and A. Schneider. Prisoners put in isolation after the execution of Schubert. A hungerstrike restores association. Isolation reimposed after the execution of Pons. Hungerstrike resumed. I. Schubert moved to Stammheim. The others only allowed contact through iron flaps in the door when they exchanged folders handed to a guard. Contact ban imposed on September 5th 1977 totally isolated the prisoners. On October 18th Gudrun Ennslein, Andreas Beiser and Jan Carl Raspe were murdered by the authorities. Irngard survived the attack.

Irngard was in Frankfurt - contd.

- 9) Hohenheim 1 month
Prison hospital, to isolation
- 10) Stammheim - held there till July 1982

No association, constant surveillance, visits behind glass partition, strip searched before and after visits. Since August 78 association with Sabine Schultze, I. Raspe and G. Ennslein in the cage on the roof, since September 1979 after Sabine's release, she is again totally isolated. Applications for association with other prisoners held in Stammheim have been rejected.

In March 1978 she suffered a circulatory collapse and was rushed to hospital. She was pale, covered in sweat and breathing heavily. Very agitated and unable to give clear facts. In June 78 the prison doctor, Henck, stated that continued isolation would result in psychological and physical damage.

during the hungerstrike the prison doctor, who replaced Henck, did not hesitate to use force-feeding at an early stage. He also reduced the dosage of stamine and pills to stabilise her thyroid condition. On May 5th 1979 these were stopped altogether. This medicine is needed to stabilise bones and thyroid to directly counteract the effects of isolation torture. It was withdrawn knowing fully that her health would deteriorate rapidly.

Justice Minister on refusing application for association:
-She seems very calm now, but this does not necessarily mean that she really distances herself from her politics.

- 11) Luebeck - since 13 July 1982, held there now

Association with Henna Krabbe, Inge Kreuser and Christine Kubj.

Locu-Appendix 10

Imprisonment
Irngard Müller

SECOND HUNGERSTRIKE OF THE POLITICAL PRISONERS

HUNGERSTRIKE DECLARATION OF THE POLITICAL PRISONERS - MAY 1973

Our hungerstrike in January/February was without success. The promises of the Federal Prosecutor's Office regarding the lifting of our solitary confinement were shit. We are again on hungerstrike. We demand:

EQUAL STATUS OF THE POLITICAL PRISONERS WITH

ALL OTHER PRISONERS!

and

FREE POLITICAL INFORMATION FOR ALL PRISONERS -

ALSO FROM THE UNOFFICIAL MEDIA!

No more - no less. Now.

The dirty trick: keep cool - the time is on your side, won't work here.

Sink or swim! That's the law of the system. Those are rules for making profit; each child, each woman, each male is threatened, intimidated, paralysed, neutralised; every alternative inside the system ends in filth: either you work under the conditions of the capitalist system -

the conveyor belt destroys the people and spits out profit -

the offices destroy people and create power -

the school system destroys people and creates

the goods of labourers -

the universities destroy people and create machines -

or you starve, sink in poverty, "suicide".

Everyone who doesn't take up this alternative and doesn't intensify it, who after 10 or 15 or 20 years of socialisation as an adaptable human into accepting the process of how capital is used, has Humbug in his Head, Protest in his mouth, Resistance in his muscles -

who cannot bear the hellish speed of work -

who goes crazy -

who becomes ill -

who beats his Wife and Children instead of his boss - rather becomes a thief or a robber than gets suffocated by the law of the robbers and murderers - (honestly, Man! Springer makes a profit of 100 million every year!)

or even develops ideas of working class power -

Organises -

and makes revolutionary policy -: he will be gobbled up, will be criminalised or just declared mad. Since the days of our great grandfathers, since the beginning of the Bourgeois Society: Workhouses, Houses for the Poor, Jails, Reformatories, Lunatic Asylums, Judges, Police, Doctors, Psychiatrists, Priests.

Those who don't recognise the rules of the game in a covert war - Bourgeois against the People - as a natural inevitable law are forced between the millstones of open coercion, into the Concentration Camps of the System.

Once inside, the same again: you are still capable of being re-socialised, which means:

a weak backbone adapted for the use of Capital - those who are of no use will be finished.

In between there are the prisoners who function as an alibi for system: the economic criminals and the few prosecuted SS-Pigs.

The stronger the revolt of the People, the moral of the system, its concept of property is in pieces and the crisis is acute, and the arming of the People is no longer a dream but reality, the more important are the Prisons to the State System whose justification for existence depends always and still, on the terrorisation and destruction of the people - in extreme: Treblinka, Maidanek, Sobibor - to break the Resistance to exploitation by the majority of the people - Jails and Concentration Camps as first and second threats against every sort of Resistance - based on experience, organised and as always in complete awareness.

The pigs have the jails fully under their control. The more Reforms, the tighter is the System inside the jails.

They have all the means: Force, Isolation, Transfer, Bribery, Privileges, the half-open and open Prison Conditions, Regulations, Remission, Informers, Torture, Clemency -

and the total control Apparatus: Justice/Police/Prison Regulations/Psychiatry and the Media (Newspapers, Television, Radio):

for more Efficiency: their talk about misery, W.C.'s; - against breakdowns in the Prison System: Murder/"Suicide"; - for less overt force: Beatings/Water and Bread/Handcuffing/Bunker Cells; - for more cheerful Brainwashing: Psychiatry/Police Therapists/Valium; - for the more slippery, gentle, structural force: the removal of the prisoners from the ground floors (e.g. recreation in the newly built prison in Frankfurt-Preungesheim on the 5th and 7th floors) - where the beatings of prisoners can take place without their repulsive screams being heard.

The humanity of the pigs in one word: H y g i e n e.

The Reformist programme of the Social Democrats in one sentence: the nip the budding revolt by means of D i f f e r e n t i a t i o n.

The P o l i t i c a l P r i s o n e r, who sees his role in a political way and who is treated accordingly - who knows about the inhumanity of his situation as an inhumanity of the system - who feels hate and rebellion -

in the all out war and plays his part against the pigs, the screws, the social workers, the prison medical system, the green fascists -

who acts in solidarity and to act in solidarity m e a n s: he will be isolated: socially destroyed.

Contrary to that none of the arms of the Judiciary gives a shit about Human Rights and the Common Law - because he is not to be manipulated, not to be killed without being shot.

S o c i a l i s a t i o n means Manipulation plus Training.

You force the Chosen people to accept the Walls, the Cops, the Directions, the Promises, Threats, Fears, Hopes and Deprivation as long as they are able to make this filthiness their own and so that they are unable to live any other life but behind bars. That is the Training.

Naturally the assistance of the prisoner is desirable - it shortens the Process and makes it irreversible. Because during this time the prisoner loses one characteristic completely and that is what is wanted:

Self respect.

That is the manipulation.

The more liberal(ly) this is done - not obtrusive - loose - pleasant - malicious - slippery - mean -

in a word: the more it is done p s y c h o l o g i c a l l y, the more effective and deeper is the destruction of the prisoner's personality.

The deadly enemy of the cop as psychiatrist is the political prisoner - because the psychiatrists are dependent on prisoners who don't know what is happening - through the doctors - who hide behind their masks as poor little fellows, pigs, criminals, they in the end have the prisoner in their control.

The final point about the modern prison system is: either to regard the jails as a p o l i t i c a l i s s u e or to accept them as P s y c h i a t r i c I n s t i t u t i o n s

Our solitary confinement n o w and the Concentration camps in the future - whether under the administration of green or white terror troops - will end in: a reformed Treblinka - a reformed Buchenwald - and will end in the "Final Solution".

That's how it is.

We demand f r e e p o l i t i c a l i n f o r m a t i o n for all prisoners, because that is way to reach political awareness, political consciousness. Today we demand nothing of what is of pressing importance in the jails - agreed Wages, Education/Training, Protection of the Family, Autonomy etc. - because without the self-organisation of the prisoners everything else is secondary in terms of Reform, otherwise the integration of the Reformist promises and their mobilisation would dissipate political energy or it would be integrated into the dictatorship of the screws and the result would be: "power through joy". What we need is: the Solidarity of the political prisoners - not only as an idea but in reality.

Our Hungerstrike is nothing more than our last chance for joint Resistance in Isolation confinement. Without the power, the Strength of the Streets, without the Mobilisation of the anti-fascist people who will stand up for Human Rights and against Torture and on whose loyalty the pigs depend - our Hungerstrike will not solve our powerlessness.

THEREFORE WE APPLY TO YOU WITH OUR DEMANDS, COMRADES.

Last not least it will suit the pigs if one of us dies. We demand from you that you support our demands, that you fulfill them - now - when it is still possible for you before you will become prisoners yourself. Only to talk about Torture, Comrades, instead of fighting it, can't be in our/your interests - it would mean: to strengthen the deterrent effect of this shit. Your actions in January/February - Demonstrations in Karlsruhe, the beating of Jessel, Go-ins into the Radio Station in Northern Germany and into the homes of judges, some stones into their private homes - good. No teach-in, no Go-in to the Pen-Club, nothing to the Writers Trades Union, nothing at the Address of Churches, who in the meanwhile react to issues like Torture and Human Rights, no Demonstrations in Hamburg, Munich, Berlin, Frankfurt, Heidelberg, not to speak of military operations - that's bad.

Let us confront the pigs with their own laws.

Let us throw the contradictions in their faces Between what they say: Saving lives - and what they do: Destroy.

Every minute its a fight for life or death - us or them - they for themselves and we for us.

On 22.2.73 the Federal Prosecutor Martin declared that they were not able to solve this contradiction, that the only solution would be to kill us.

"The prison conditions are adjusted to the respective physical and psychological situation of the prisoners!" - that's right. The supply of oxygen is regulated automatically - meals are "served" three times a day - and if you see it absolute coldly, the statistics of relatives visits naturally throw dust in your eyes.

The edict from the highest position in the capitalist clique: destruction.

That explains it. The programmes goes on.

Put the pigs under pressure, you from the outside and we from the inside.

Solidarity is the trial of strength.

ALL POWER TO THE PEOPLE.

ALL POWER OF THE PEOPLE AGAINST THE SYSTEM THAT
CONSISTS OF

Profit/Power/Force
Family/School/Factories/Offices
Jails/Youth Institutions/Lunatic Asylums

80 Political Prisoners on Hungerstrike

8th May 1973

Appendix 12

Hungerstrike declaration

THOSE WHO HAVE RECOGNISED THEIR SITUATION -
HOW SHOULD THEY BE STOPPED?

This is our third hungerstrike AGAINST SPECIAL TREATMENT, AGAINST IMPRISONMENT with the intention of destroying political prisoners who are being kept in jails in the Federal Republic of Germany and in Berlin West; AGAINST THE PROGRAMMES OF COUNTER-INSURGENCY of the imperialist prison system, programmes of the federal prosecutor, of the special security police in Bonn - the so-called section of the political police of the BKA (Federal Criminal Agency) to destroy imprisoned political revolutionaries and other prisoners who have started to organise themselves and to fight inside the prisons.

We can only be oppressed if we stop to think and if we stop the fight. People who are not willing to stop the fight can't be crushed - either they will win or they will die instead of being defeated and to be dead.

RESISTANCE AGAINST THIS DEADLY TREATMENT, AGAINST THE SPECIAL TREATMENT AND THE COUNTER-INSURGENCY PROGRAMMES MEANS RESISTANCE AGAINST:

- inhumanity by social isolation - for many years;
- torture by brainwashing and blackmail in special centres - since the beginning of May, Ronald Augustin is being kept in solitary confinement in the prison of Hannover;
- the new 'camera silence cells' which are kept under a constant heat, constant noises together with a total TV control which was worked out by a research project of the DFG (German research society) in the prisons of Berlin-Tegel, Berlin-Lertherstr., Bruchsal, Essen, Cologne and Straubing;
- the removal into special cells for any attempt to break the isolation when one prisoner tries to communicate with another prisoner, into the bunkers of Berlin Moabit, of Bruchsal, Essen,

Straubing, Frankfurt/Preungesheim, Hamburg/Fuhlsbuttel, Mannheim, into the bunker for prisoners on remand in Hamburg which is TV controlled and where the prisoners are being strapped all day;

- the attempts of murder during hungerstrikes by refusing any water in Schwalmstadt, Munich, Hamburg and Cologne;
- concentration camps for political prisoners in Lubeck, Stuttgart, Berlin;
- the handcuffing during the recreation time in Hamburg and Lubeck;
- the imprisonment for two and a half years in special cells in Cologne-Ossendorf, directly beside two main entrances of the prison - never peace; the same in Berlin-Moabit;
- the attempts to break the will of prisoners by psychological means and also the use of threats and with forced anaesthetising for the purpose of investigations;
- visitor's rooms divided by glass walls during the visits of lawyers whereby political communication is impossible; in Hannover, Stuttgart and Straubing;
- repeated confiscations by the special police section-Bonn of all material of the prisoners which is needed for their defence - notes and letters;
- at the same time, during the raids of the prisoner's cells by the police, the harrasing campaigns against lawyers continued in the newspapers; the criminalisation of the lawyers of the political prisoners;
- the suppression and the manipulation of files by the BKA (Federal Investigation Office);
- sometimes an inticement of the solitary confinement, but only so as to prepare prisoners who are in the custody of the police as agents and witnesses for trails; this happened in Cologne-Ossendorf, where Jan Raspe refuses the recreation time which had been offered to him. This was because it was a recreation together with prisoners who were on transfer and therefore different and changeable people - a fluctuation where neither a communication nor an orientation is possible. During all contacts with other prisoners which had been allowed as exceptions, we found out that these contacts were controlled and organised by the police;

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- the treatment which the relatives of the prisoners have to bear by means of strip searches, observations and insults before and after their visits, to put them under pressure and, according to the police instructions, to influence the prisoners.

The hungerstrike is our only possibility, in this isolation, for a collective resistance against the counter-insurgency of imperialism which tries to destroy us psychologically and physically, i.e. imprisoned revolutionaries and political prisoners who have started to resist in an organised way in the prisons. Disarmed, imprisoned in solitary confinement, it is the only possibility of uniting our physical and psychological strength, our identity as human beings, to take up the stone which the government of the ruling class has picked up against us and to throw it back.

FIGHT MEANS TO DEVELOP STRENGTH OUT OF WEAKNESS.

Solitary confinement is the weapon of the system against all prisoners who are determined not to let themselves be destroyed during their imprisonment and who fight against the experiment on human beings, against the brainwashing and against the imperialist system. They are being kept in solitary confinement to liquidate political education and resistance in the prisons generally. This happens to suppress all the other prisoners, who don't have the political understanding yet, more and more. Although they endure the same as we do, and although they are people of no property as we are, they have nothing else to lose than their chains.

We call on all prisoners who are kept in solitary confinement to fight against this, together with us.

The abolition of solitary confinement is the condition which we have to fight for if revolutionary politics, if the struggle for liberation in the prisons will become a possibility and which will be a possibility for realistic proletarian power - under the conditions of the class struggle here, in the framework

of the struggles for liberation of the peoples in the 'Third' and the 'Fourth' worlds, and in the framework of proletarian internationalism and of anti-imperialistic liberation - and in a united front inside the jails and concentration camps in the parts of the world which are ruled by imperialism.

ALL POWER TO THE PEOPLE THROUGH THE CONQUEST OF POWER!

FREEDOM BY MEANS OF ARMED ANTI-IMPERIALIST STRUGGLE!

The prisoners of the RAF

September 1974

Appendix 13

* sss bah karlsruhe no 257 1612 1521 *

The Federal Prosecutor
at the Federal High Court
1 ste 1/74

16. December 1974

To the
President of the 2. Senate
of the High Court in Stuttgart
Mr. President of the High Court
Dr. P R I N Z I N G

Concern: Criminal procedure against Andreas Baader and others
for murder, offence according to § 129 penal code and
others.

Reference: Letter of the lawyer Cr. Croissant from the 6. Dec. 74

I ask,

to reject the motions which are named in the letter
mentioned above.

The aims of the accused are to continue their criminal activity
and to force their release even though they are prisoners on re-
mand. To gain this there should be reached a situation of riots
and revolts inside of the jails by means of this motions. Would
the Federal Prosecutor Office close their eyes it would become
the handyman of the terrorists.

The contention is not true that the hungerstrike takes place
only to reach endurable prison conditions. Better prison condi-
tions have been granted already to the accused, more than usually
can be allowed under considerations of the aim of the detention
pending investigation and the high security risc.

Omission because of bad copy.

... prison walks. They also can play table-tennis. But up to now
they didn't make any use of these possibilities. The accused Baa-
der and Raspe also got similar confinement conditions in the
meantime. Therefore only malicious people can maintain that the
prisoners are living under solitary confinement. When the accused,

in view of these confinement conditions, call for new demands,
which must be seen even by them and their solicitors as not to
fulfill - so confirms this again that the hungerstrike, which
has been organised by them, has the only aim to blackmail the
constitutional state.

Furthermore the accused have to be kept away from common enter-
tainments with other prisoners. They will use any new contact
to go ahead with their plans to escape and to stir up the other
prisoners. The paper which was found a few days ago in Stutt-
gart-Stammheim called "cell-paper no. room 1" speaks for itself.
This danger which arrises form the accuses would even exist, if
it would be allowed that they spend their different recreation
times with chosen prisoners. In other repects I refer to the
comment of the prison authorities of Stuttgart-Stammheim. Also
of following facts has to be reminded:

The accused have weakened themselves by the hungerstrike, that
they are in an extraordinary way endangered by infections. By
safe medical knowledge an infection could create a situation
where the life of the accused would be in danger. Therefore they
have to be kept away from other prisoners at this time.

The prison regulations, which are existing for the female pri-
soners in West-Berlin can't be applied on the accused who are
imprisoned in Stuttgart-Stammheim. The women who are impriso-
nes in West-Berlin have recognized willingly to the prison regula-
tions. Furthermore they are not as dangerous as the ring-leaders
who are kept in Stuttgart-Stammheim.

An abolishment of the special prison tracts for male and female
prisoners is out of any question. The same goes for the motions
which have been made in this context. Besides, this Court is
not competent for these motions.

Every basis for a meeting to discuss a changing of the prison
conditions doesn't exist. Neither the criminal procedure nor
the regulations for prisoners on remand are providing such
"negotiations" about single issues of prison regulations.

Karlsruhe, 16. September 1974

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Appendix 14

Demand to the prisoners to end the hungerstrike page 2

FR (Frankfurter Rundschau) Thursday, February 5th, 1975

The full statement

"That's an order"

According to their lawyer, Klaus Croissant, the prisoners of the 'Baader-Meinhof gang' Ensslin, Baader and Raspe have ended their hunger- and thirststrike after a demand by the 'Red Army Faction'.

To the prisoners of the RAF

We ask you to end the fast now, although, for objective reasons - the strength of the reactionary mobilisation here, the class struggle of the capitalist class - and for subjective reasons - the underdeveloped class struggle, the corruption of the organisations of the proletariat and because of a weak revolutionary left - the demand for the abolition of solitary confinement couldn't be achieved.

That is an order.

The fact is that the possibilities for the left - to organise solidarity as a weapon from their defensive role and their helplessness against the new fascism - are not sufficiently developed in accordance with the structure of the guerilla and the policy of the RAF. The strike has shown them their limits: the powerlessness of political strategies which don't answer the question of the initiative and the capability of action out of the illegality, the necessity of armed struggle as the realisation of proletarian internationalism here. You can see it in their defeat in 1968 when we developed a great mobilisation: The disunion, the sects, the corruption while BEING ON THE DEFENSIVE will last.

We say:

What could be achieved by the strike, as the last weapon of our prisoners policy, has been achieved. Nothing further could be gained by an escalation.

To concede that you go on - against the calculation of the state propaganda: by the exemplary execution of imprisoned guerillas BECAUSE THEY FIGHT, ALWAYS FIGHT, AND FIGHT IN SPIE OF EVERYTHING letting the resistance be seen as hopeless - means to sacrifice you.

We take away this weapon from you because the struggle of the prisoners - out of the strength of power which has materialised - can only be our case now, will be decided by our weapons.

We will win.

RAF

2 February 1975

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Hungerstrike Declaration 29 March 1977

Gudrun Ensslin only wanted to pass on the demands today, not the whole declaration during the trial. This has been prevented in order to show that no connection exists between this trial and the prison conditions.

'He who has recognised his situation,
how should he be stopped?'

Recognising the fact that the state is leading a fight which takes place under permanent emergency laws without any legal backing and

that 6 years of political justice have shown that the human and fundamental rights during the strip searches, during the trials against us, and inside the jails mean only lip-service.

Therefore we demand:

For the prisoners from anti-imperialist resistant groups, who are struggling in the Federal Republic of Germany be treated in accordance with the Minimum Guarantees of the Geneva Convention from 1949, especially art. 3 and 4, art. 17 and 130.

Especially we demand:

1. The abolition of isolation confinement and the isolation in small groups in the jails of the FRG and also the abolition of the high security tracts, where prisoners are kept under electronic surveillance in order that their discussions can be interpreted.

At least for the political prisoners in Hamburg, Kaiserslautern, Köln, Essen, Berlin, Straubing, Aichach and Stuttgart-Stammheim this would mean that they could be together in groups of at least 15 prisoners as it has been demanded by all doctors, who have been heard and ordered by the courts, in all trials against the RAF.

2. The investigation by an international commission into the deaths of Holger Meins, Siegfried Hausner and Ulrike Meinhof

Also, that the work of this commission will be supported and that the results of their findings will be published in the FRG.

3. That the Government will make it public that the reports
 - the RAF had planned to place three bombs in the inner city of Stuttgart (June 1972)
 - the RAF had planned to make rocket attacks on crowded football grounds during the soccer world championship in summer 1974
 - the RAF had planned to poison the drinking water of a big city
 - the RAF had stolen mustard gas and that they had planned to use it (summer 1975)
 - that the commando Holger Meins had blown up the building of the embassy in Stockholm themselves (April 1975)
 - the RAF had planned to contaminate the Bodensee with radioactive waste
 - the RAF had planned to attack nuclear power stations and that they had planned to use nuclear, chemical and bacteriological weapons (since January 1976)
 - the RAF had planned to attack a playground for children and to take children as hostages (March 1977)

are products of a psychological war and that they have been circulated to legitimise the rapidly growing apparatus of the police and the security system. Also to stop the solidarity of the resistance groups, to isolate and to destroy them; that all these suggestions are false and that the inquiries of the police, the secret service and of the justice agencies, have never found any proof which could have founded these.

The hungerstrike is the expression of our solidarity

- with the hungerstrike of the Palestinian resistance movement to be recognised as prisoners of war
- with the hungerstrike of the IRA prisoners, who are imprisoned in Irish and British jails, to reach political status, which had been abolished after the FRG had initiated the so-called 'anti-terrorism laws' on a European level

- with the demands for an amnesty in Spain for the prisoners of the ETA and other anti-fascist groups
 - with all those who have been captured in their struggle for social revolution and national freedom
- and
- with all who have started to struggle against the violation of human rights. Against the misery and the brutal expropriation in the prisons of the FRG.

Arm the resistance

Organise the resistance

Fight the anti-imperialist struggle in an offensive way

Stammheim, 29 March 1977

for the prisoners from the RAF

Appendix 16

PROTOCOL OF A VISIT AND AN INVESTIGATION BY PROF. SCHRODER
ON 26.4.77

The occasion was:

Yesterday at 4 o'clock the tract suddenly filled with a group of at least 15 people, amongst them the prison governors Nusser and Schreitmuller, prison doctor Henck, medics and two officers from the Ministry of Justice.

The decision was to force feed Gudrun (Ensslin) immediately since her life was in 'acute danger' and force feeding could be applied even against her will. Asked what their statement of 'acute danger to life' was based on and where there was a single shred of evidence, Henck and Nusser answered: by appearance.

Henck, who three weeks ago had still refused to use force feeding, sweated now, was in panic, twisted, saying that the law demanded it - subsequently he had to admit that there was no single premise for the use of this law nor could he verify his statement since he had not examined Gudrun, and since she will not let him examine her. The situation is deadlock: either an investigation or immediate force feeding with the use of force. The proposal by Prof. Schroder - one of the experts called by the court - to set up an investigation, (is debated) a phone call is made and he says that he will come the following morning. We clarify for Nusser etc. that Gudrun and us will protest since the present measures prove that they have decided rather to murder prisoners than to fulfill the minimal demands made by the experts; and that the order to break resistance with force results in exactly a situation in which they produce the acute danger to life, or rather make it possible - a conscious action/measure since conditions after 4 weeks of hungerstrike are such that every use of force constitutes an acute danger to life.

It is Nusser's job to clarify these facts for the Ministry of Justice and to let them know that they will be rid of the hunger-

strike immediately if they give an assurance to enlarge the group within a certain time-span and to enlarge the tract.

After about an hour's negotiation, the talks ended with the assurance by Nusser and Schreitmuller to submit our proposals to the Ministry of Justice.

26.4 At 8 o'clock in the morning Schroder comes to Gudrun.

She tells him what happened yesterday and explains the situation: an order of force feeding with the use of force would immediately lead to an acute danger to life, and would make it possible at that point in time when force was used in the process of feeding. She declared that force feeding was certain as we were going to defend ourselves against it and that the consequences would be fatal as long as the prison conditions did not change (see the information as given by Friedland to Henck).

He (Schroder) leaves with the assurance to her (Gudrun):

- that he will say that force feeding against the will of the prisoners will change potential danger to life to acute danger to life
- that there can be no doubt about a free process of decision making (by the prisoners)
- that he recommends that they (the Ministry of Justice) consider again the hungerstrike demands and the opinions of the experts.

Afterwards I talk with him in order to clarify the medical side, what is Gudrun's constitution generally, and now after four weeks of hungerstrike -

and that force feeding with the use of force means that not only is it useless, but that the process during which the inevitable reaction of doctors, medics and warders, the brutality engendered by fear and panic - as shown by the reports from Hamburg - produce immediately, acute danger to life, even the first time. What usually happens is that severe injuries to prisoners are described as 'medical measures' just as - to recall to mind - the withdrawal of water from Andreas in the summer of '73 in Schwalmstadt, had been ordered as a 'medical measure' under the supervision of

Appendix 17

We give the following Declaration of prisoners from the RAF in Stammheim 30.4.77:

During the last few days, all attempts to break the hungerstrike, of over 100 prisoners at the last count, by means of force feeding and extreme brutality - in Hamburg-Holstenglacis (prison) - have failed. After the prison doctors in Stammheim and the anaesthetists who were called in, refused yesterday, to administer tranquilisers or anaesthetics to the prisoners, the prison doctor told us today, 30.4.77, at 12.00 of the 'binding declaration of the Justice Ministry' that 'with regard to the demands of medical experts, an immediate concentration of political prisoners - i.e. prisoners under para. 129, also from other Federal States - would be effected in Stammheim, as well as an enlargement of the present prison tract'.

This decision is based on a decision by the cabinet.

It fulfills the central demand of the hungerstrike, the prisoners of the RAF end their strike.

'He who is not afraid to be quartered, pulls the emperor from his horse.'

Gudrun Ensslin
for the prisoners from the RAF

Hempfler and Dagenhardt, for the purpose of breaking the hungerstrike.

This means therefore, that the measures taken by the Ministry of Justice contributed to an escalation of the situation for which they are responsible: it is they who create an acute danger to life. His (Schroder's) opinion, which is expected to be in the affirmative or the negative, cannot comment on force feeding but has to focus precisely on this decisive point which will force a decision: either they want dead prisoners or they comply with the demands of the experts, including him as well.

Both these possibilities come under the single and sole responsibility of the Ministry of Justice. It is a question of days. For, according to his opinion and judgement: Gudrun can die within a few days. To which I have to say that force feeding is precisely the means to accelerate her death. It is his job, his function, as an officially appointed expert, to clarify this fact in all its poignancy to those who are responsible.

We did not further discuss other information which he had: the hungerstrike, or force feeding can or is being used to enforce psychiatric treatment by means of psychopharmaceutical drugs, in other words, a psychiatric labelling of prisoners who are evidently not 'psychiatrically ill' or in any way restricted from 'exercising their free will in decision making'. Another way of getting rid of them eventually.

At 11.00 a.m. Henck comes into the tract. No force feeding. He reproduces his discussion with Schroder and states that Schroder had said there was no acute danger to life. In the evening news, this appears as 'force feeding not necessary', and: he had 'pressurised Schroder at gunpoint' to intervene immediately at the highest level. Nothing below that - where he is right. So Schroder immediately asked for an appointment with Bender (State Justice Minister) and obtained it.

Then: he telephoned Friedland (prison doctor) in Hamburg who told him that he had ceased force feeding yesterday, that no-one

resulted in broken teeth (Werner Hoppe), injuries, bruising, tubes piercing the lung. He couldn't continue and all the others (prison doctors) had refused. This meant for him, Henck, that he would also refuse to carry out force feeding under resistance from Gudrun or from us. It had become clear to him since he'd heard it from Friedland. The fact that Friedland had had to stop force feeding because of the resistance of the prisoners constitutes an admission that force feeding with the use of force maximises the danger to life to an incalculable degree - and that at least 5 prisoners had been gravely injured as a result of orders of the Ministry of Justice - 'medical measures' - and in response to demands which concern exclusively, conditions of imprisonment and which are incontestable, in other words based on scientific investigations by experts appointed by the courts.

(See: reports by prisoners in Hamburg on the force feedings.)

The reason for calling Schroder is simply this, simply to let him know the facts - the increased danger to life as a result of the instructions of the Ministry of Justice - and that it becomes clear at all levels, that nothing other than an agreement to the demands of the experts can prevent the death of prisoners and end the hungerstrike.

P.S. This is the news that was published in all daily papers, compared with the actual events: at 16.30 hours it was known in Stammheim that Gudrun would not be force fed, at 19.00 hours the ZDF says in its news: that Gudrun is being force fed.

Only at 21.00 hours is it said that there is no force feeding yet 'as Gudrun surprisingly had agreed to an examination'.

Such timing in the spreading of false news launched by the Federal Prosecutor's Office (previously) 'that Ulrike had committed suicide by hanging'. The news was broadcast at 07.38 a.m., 4 minutes after she had been found in her cell by a warder and before a doctor had been called.

DECLARATION OF THE PRISONERS FROM THE RAF

In the course of the week we heard from a member of Amnesty International that the attempt at mediation undertaken by the International Executive Committee in order to demand humane prison conditions corresponding to the demands of the doctors and to end the hungerstrike, have been broken off. The reason is that "the situation has hardened totally"

and

"that the authorities throughout are taking the line to make an example of the prisoners following the attacks on the office of the Public Prosecutor and Ponto".

This according to announcements of Rebmann (Federal Prosecutor).

The prisoners have consequently interrupted their strike after the 26th day. So as not to facilitate the planning of murder. They (the prisoners) have taken this decision after they have openly been declared hostages of the state security system - and after a deliberation of the efforts undertaken by the government to prevent evidence being made available to substantiate the complaint to the Human Rights Commission in Strasburg about the violation of human rights in the Federal Republic by means of arrests, searches and confiscations at the borders.

Stammheim, 2.9.77

Jan Carl Raspe

for the prisoners from the RAF

Hungerstrike declaration 20 April 1979

Our hungerstrike is against the permanent and total solitary confinement which has to be seen as part of the state's strategy of destroying the prisoners of the armed fighting anti-imperialist groups. The most evident expression of this strategy now, is the project of the Federal Prosecutor's Office (BAW), Federal Bureau of Investigation (BKA) and the different Ministries of Justice of the Federal States, to isolate us in special cells in which the experiences of eight years solitary confinement have been worked out and have been put into practice: concrete bunkers free from any noises with windows of bulletproof glass which can't be opened; doors which don't allow a circulation of air and an air condition which creates different variations of pressure; all day glaring artificial light; the sink, W.C., the mirror out of iron; security furniture, the floor is just concrete. Many of such solitary confinement cells are placed in a high security unit which is hermetically sealed from the rest of the prison. There is no possibility of contact between the prisoners in their isolated cells. The recreation time outside takes place in a cage of concrete which is covered by wire mesh, which shows no significant differences to the cells. In Celle, Straubing and Stammheim the prisoners are already living in such bunkers of solitary confinement; in Berlin, Lubeck, Osendorf and in other jails similar units have been built or tested.

The establishing of such machines of destruction is the consequence of the state, out of the realisation that the prisoners couldn't be broken by the hitherto existing methods of solitary confinement and that the murders of Ulrike, Andreas, Gudrun, Jan, Ingrid which have been disguised as suicide and the attempted murder of Irmgard, are for the political aims of the Federal Government.

The realisation of the concept of the 'model Germany', of the Social Democratic Party in Western Europe and beyond, to secure "the inner peace" - a political concept to be legitimised through

direct elections to the European Parliament by the West European people - has been counter-productive and that's still the case, as e.g. Kohl's appearance on the television in the Netherlands has shown. (That certainly doesn't exclude that the Federal Government would liquidate prisoners if there was an escalation of the situation as a result of military actions by the guerilla.)

The prisoners who refuse to end the fight and who don't agree to the deal of the so-called 'resocialisation', when they abjure or collaborate, will be crushed physically and psychologically in the newly built isolation bunkers in such a way that when they do emerge they will in no way be able to form a resistance - that their condition will make it appear as near impossible that they will in future be able again to play an active role within the anti-imperialist struggle. This is according to the Hamburg Senator of Justice Dahrendorf, who cynically formulated the aim of the counter-strategy.

We demand:

- abolition of the high security wings
- regulations of imprisonment for the prisoners of the anti-imperialist groups which is in accordance with the minimum guarantees of the Geneva Convention
- a merging of these prisoners into groups which comply with the demands of the medical examiners
- the release of Gunter Sonnenberg, who as a result of his head injuries is unfit for imprisonment
- supervision of the prison conditions by international humanitarian boards/organisations.

In Ireland, Spain, Italy, Austria, Switzerland, France and Israel prisoners are fighting against prison conditions by which their political identity should be broken and that they should be physically neutralised - prison conditions whose introduction has been established in most of the cases, by the FRG.

Our hungerstrike is part of this struggle and the expression of our solidarity with all prisoners who have started to carry out resistance in the prisons.

The prisoners of the RAF in Berlin
20 April 1979

Hungerstrike declaration - Red Army Faction 2.2.81

We, the prisoners of the Red Army Faction, again take up the collective hungerstrike.

We will never cease to fight against the torture, the open and hidden destruction, against the whole institutionalised strategy applied to crush our identity.

The aim of the state: to force the disintegration of our collective structures and the political unity of our group by planned and systematically selective programmes of imprisonment, that is total isolation, isolation in small groups within the highly perfected 'high security' isolation wings, and so-called 'integration'. This aim of the state will not be achieved, and it will also not be possible for the state to ignore the protest of a national and international public, of the International Commission and Amnesty International.

The state cannot reach its goal because the very real experience that this state is willing to perform every kind of inhumanity was part of the reality that made us stand up and take up arms.

In a situation where we have for years been isolated from each other, cut off from all political movements and developments and from the outside world - in this situation we are determined to make this separation come to an end by using the one effective means that we have: to fight for the conditions necessary for a collective process of learning and working.

We demand:

The minimal guarantees of the Geneva Convention ¹⁾ be applied to the prisoners of the RAF and other anti-imperialist resistance groups, that is to say:

- that those prisoners be able to associate under conditions that make interaction possible; this means the abolition of the

1) Article 75 of the Geneva Convention of 1949 lays down the fundamental guarantees to be accorded to 'persons who are in the power of a party to the conflict' - that is to say prisoner of war status. The 1949 Convention relates to prisoners who are captured as a result of an international conflict. The additional protocols of 1977 cover armed conflicts which are not of an international character, this means that combatants of the anti-imperialist resistance movements of national liberation struggles and urban guerilla warfare being waged in the Third

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control of all communications electronically, acoustically and optically which takes place within units of isolation that are sound/light/air conditioned. 2)

- that conditions of imprisonment are independently controlled by the International Commission for the Protection of Prisoners and against conditions of isolation.
- that Gunter Sonnenberg be released as his physical recovery from brain damage cannot take place under conditions of isolation imprisonment. 3)

There is nothing mysterious about the measures that are taken against us: we are prisoners of war with the status of hostages.

Each time the confrontation escalated, a cadre of the RAF was executed: Holger, Siegfried, Ulrike. At the time of 1977 the political and military offensive of the RAF demonstrated that the enormous efforts of repression used to extinguish the RAF had not been effective. It was then that the 'Special Co-Ordinating Committee' of the US National Security Council decided on a 'final solution': the execution of Andreas, Gudrun, Jan, Nina and of our brothers and sisters of the group Martyr Halimeh.

By killing those comrades the state attempted to extinguish all traces of their fight. Their example, their continuity, it was an attempt to put out the flame before the whole forest caught fire; an attempt to take away from the people in the metropolis all hope for liberation.

Torture and the murder of political prisoners as well as executions on the street are now not only matters of police tactics within a state that is the direct inheritor of fascism: its aims and

2) The West German state applies special programmes of imprisonment only against those prisoners who come from militant anti-imperialist resistance groups. These prisoners are subjected to isolation, torture in the silent cells of the new 'high security wings' - many for over 4 years, with no association periods at all, some with absolutely no exercise period either. The isolation cells are air-conditioned, soundproofed, white-walled and constantly lit. Surveillance of the prisoners is total, cameras and microphones are stationed in each cell, on each wing and around exercise yards. If prisoners do have association it is behind a partition window of bullet-proof glass. Visits are for 1 hour per month in similar conditions if permitted at all. Strip searches take place for prisoners & visitors before & after any visit or association. The state has acknowledged the political content of their struggle by the methods it employs to try to crush it.

3) Gunter Sonnenberg was arrested in 1977 & during the arrest was shot in the head. He sustained brain damage & has been in isolation ever since. He does not

Bogden-Handwritten

methods have remained constantly the same. But now German imperialism starts on its third run (for world power) not as the opponent but the ally of US capital, not alone but functioning within US foreign policy, and it is of the utmost importance for the state to destroy the militant prisoners and the entire movement of resistance. West Germany has since 1945 been the main base for the aggressive policy of the US - militarily, politically and economically - and it is of the utmost importance for the West German state to destroy all resistance which directly attacks the state and raises the question of power.

The Nato High Command directs the torture and murder of political prisoners as well as the assassination squads in Turkey, Ireland, Italy and Spain, and through the West German Federal Criminal Bureau (BKA) 4) and the Secret Service they attempt to enforce these methods of repression to be used in all Western European countries. It was this same Nato High Command which recently sent a directive to governments stating that they should disregard an international survey which presented evidence of torture being applied to political prisoners, and gave orders that the demand for political status for militant prisoners should not be granted. Finally, that all directives concerning a co-ordinated strategy to criminalise revolutionary resistance should be paid immediate attention.

Against the human face of resistance - from the naive humanitarianism of the Movement for Disarmament and then the Anti-Nuclear Power Movement to the Youth Revolt, the Anti-Vietnam War Opposition up to the Guerilla Resistance.

Against these movements of resistance the state has one solution: a programme of total violence, brutality, poverty and genocide. A programme which is disturbed by this humanity of resistance and against which they have nothing to offer but the face of murderers.

The state projects onto the Guerilla the crimes which the state itself is perpetrating against the people: the poisoning of municipal water supplies, nuclear fall-out, germ warfare. They project their crimes away from themselves in order that the fears

4) BKA - Bundeskriminalamt

they produce in people are deflected away from realising the true cause. To stifle the resistance that might arise from the people grasping the real reasons for their fears. The escalation of propaganda against the RAF is carried out to make sure that militant politics - disarmament, against the militarisation of all areas of life, against the army being on the streets as it was 35 years ago - will not develop solidarity with the guerilla, to prevent them making the experience we make, that the exercise of illegal resistance is the one liberated zone for the resistance in West Germany. That illegal resistance creates the possibilities for action.

The state exposes its weaknesses by its reactions, shows its points of vulnerability and gives us our opportunity to accelerate the process of disintegration by sustained action and push the state to a point of crisis. It is not we who bring about the transformation of the state to facism where the state of emergency becomes legal. This process is implicit within the capitalist system and has its own inevitability.

The Capital is creating for itself the ways and means for its worldwide aggressive reconstruction and we - all of us that want liberation, responsibility and that want to act and live as people - we in the countries from whence the expansion of capital is planned and carried out have to be prepared to halt this offensive, at this point we must form ourselves into a political barrier that can prevent the US from launching its offensive and which can finally bring about the overthrow of US imperialism.

If the militant left can grasp this lesson from imperialism's defeats - namely that its power disappears when its violence is not feared any more - if the militant left can learn this, it will have solved the whole mystery of imperialist omnipotence.

One thing is certain: solidarity cannot be forced, nor can it be closed down like a bank account. Solidarity is the practical expression of the consciousness of every individual with the understanding that individual and collective liberation are not contradictory as the apologists for the fulfillment of individua-

listic needs would have us believe. Their relation is dialectic just as the liberation of people here cannot be separated from the liberation of the Third World.

Solidarity becomes real and powerful as proletarian internationalism. That means that we attack our common enemy US imperialism wherever we confront it in its strategic positions. Solidarity is the basis on which all levels of anti-imperialist struggle become united.

Our hungerstrike is the expression of our solidarity:

- with the prisoners of the IRA and INLA and their determined and sustained struggle and in their hungerstrike for political status
- with the prisoners of the Red Brigades; with their battle against the strategy of annihilation in which they took over the political initiative
- with the struggle of the Palestinian prisoners for P.O.W. status
- with all prisoners who have begun resistance within the prisons and who are fighting for self-determination.

MAKE ARMED RESISTANCE

ORGANISE ILLEGALITY

FOR A STRONG ANTI-IMPERIALIST MOVEMENT IN WESTERN EUROPE

6.2.81 PRISONERS OF THE RAF

Appendix 22

TAPE RECORDS OF TELEPHONE CONVERSATION ON 15TH/16TH APRIL 1981
BETWEEN A REPRESENTATIVE OF THE RAF PRISONERS AND THE MEDIATOR.

In the course of the conversation A=Mediator B=Representative of
the prisoners

PART I

A: (Schmude)¹⁾ was personally engaged, has said, so, people gave
me guarantees, it's not possible for reasons of state. The
first step has to come from the opposite side, so that the
public cannot say we are open to blackmail.

Now Schmude said, I act as guarantor, dear Justice Minister
and colleagues, you tell me, and I take you by your word. I
now transfer the whole matter to Mr. (mediator), with the
authority to speak in my name, and I could use that.

A: This means now, that in contrast to former negotiations when
concessions were made by Regional Ministers and a hungerstrike
was stopped and the promises were not kept; e.g. Sonnenberg.
And there are other examples. In this case Schmude and I are
in between, which is different from before.

A: It isn't simple, a majority of Federal State Governments who
say we want a genuine solution. these states are on the same
side as Schmude.

A: The Ministry of Justice has said that the Federal Prosecution
will do everything to remove the obstacles.

PART II

B: Now we are coming to the whole offer.

A: Yes. Let us begin geographically in the north.

1) Schmude - Government spokesman

A: In Lubeck (Lauerholz) there are at the moment four women -
after Frau Eckes has been released we heard from Kiel that
Angelika Speitel should be moved from Cologne to there.
Three weeks ago there was a concession that Verena Becker
could also be moved there, but this was suddenly met with
resistance for which we never received a genuine explanation.
I interpreted as such because we have no idea. The case of
Verena Becker thereby remains open, at the moment she is in
Kassel.

A: Frau Becker should probably then, come to Frankfurt- Preungesheim
with Frau Hofmann and Frau Barabas, who have both been given
this undertaking.

A: Then Frau Becker - first we have to try to bring her to Kiel,
i.e. Lubeck - should this not succeed, we will try to bring
her to Berlin, to the group that is in Berlin, and where due
to the special relations that exist - let's directly use names -
Schmude, Vogel and Meyer, most can be expected. Herr Schmude
has told me, I do not see any difficulties.

Then there is Celle, niedersachsen (administration) told Herr
Schmude this afternoon, very clearly, that we have the same
objective. We have accepted the same policy of forming small
groups of 4-6 prisoners who can associate daily for at least
four hours, joint exercise, joint sports facilities etc.
Within the quota for niedersachsen they are prepared to take
on even more.

A: In Berlin, one could say, no difficulties exist, as the offers
have existed before women were there, have joint association
etc. Berlin is a positive solution which we have and then
there is the flexibility, according to Herr Schmude, to move
one or other prisoners to Berlin.

A: Nordrhein-Westfalen has indicated clearly, even in writing,
that after the cessation of the hungerstrike they will examine
a positive change. As concerns the applications, we know from
the promise of Herr Schmude, what is meant by them and that
we will do it. Which means Wackernagel and Ali Jansen from
Werl, Rolf Heissler from Straubing.

A: Schneider (Gert?) and Gunter Schneider will be part of a group of four in Cologne-Ossendorf with conditions similar to those in Berlin. There is a problem in Nordrhein-Westfalen, this is Herr Wisniewski. This has not been solved yet and cannot be so, quickly. Wisniewski, who is now accused in the Schleyer proceedings, cannot be locked up together with Rolf Heissler, because Heissler is also involved in the proceedings and has already been promised a transfer to Cologne-Ossendorf. The judge from the OLG (Regional Supreme Court) Dusseldorf, Mr. Wagner, is responsible. He clearly stated that he can't agree to an association with Heissler. This is formal argument, which we cannot refute, I think.

A: It is important that Herr Wagner, the judge, clearly said to the lawyer: I confess that basically Herr Wisniewski is the one with the worst remand conditions and that we have to find a solution. But in this context I got the certain promise from Herr Schmude that he takes it for granted that the solution which is being sought, will leave no prisoner in single isolation. This is the premise, and probably the most important sentence I will say to you - this is the premise from which Schmude and I negotiate.

That means: there is therefore a green light in Nordrhein-Westfalen, a pulling together of the Federal Minister of Justice, who does not have the legal but the moral and political authority and the authority of Justice in Nordrhein-Westfalen. And this is also important since the judgements against Wackernagel and Schneider are now legally enforceable and Judge Wagner is no longer the responsible executive, decisions have to be taken by the Justice authorities.

A: Now Frankfurt: Frau Hofmann and Frau Barabas should be integrated - I don't know who invented the expression - in tandem, into normal prison conditions.

B: So "tandem" would mean that they can associate together and exercise together, but under normal prison conditions.

A: So that it is no small group isolation. Minute group isolation. That is the solution which is being considered positively and which is the condition under which this solution shall be operated. They still ponder and debate, whether this solution is not good all the same, and they are trying to convince Kiel to bring them to Lauerhof near Lubeck, because there is actually space there. That's the perversion - that meanwhile our side argues with the high security tracts, isn't it, that is really bad.

A: Baden-Wurtemberg is prepared to build a group of four, meaning Knut Folkerts, Siegfried Haag, Roland Meyer and Gunter Sonnenberg. In Stammheim.

B: Do you have, I mean, that was one of the original demands, Sonnenberg is a special case. The thing is probably known to me, the question of unfitness for confinement, yes, and the demand, the demand was: for a release, because it had to be assumed that the injuries that occurred as a consequence of the shot in the head can only be healed by normal conditions, which became evident in the example of Dutschke - only thus was recovery possible.

A: No. The question of ability or disability for confinement of Mr. Sonnenberg was not discussed in this context. That Mr. Sonnenberg actually is the problem for the whole group of the hungerstrikers, the problem prisoner no. 1, whom everybody asks about: what about Gunter Sonnenberg? If he isn't integrated into the group of four, nothing happens. Mr. Eyrich knows this and also Mr. Schmude - and Mr. Schmude said this will happen in Stuttgart.

A: Mr. Rossner in Straubing, he stopped, because he was in mortal fear, and heard about the current negotiations, and said: That he wanted to have to experience them, the negotiations. The special problem is that no transfer application for Mr. Rossner has been made, because his lawyer Mr. P. is in Italy, has fallen ill there, and Rossner actually has no defence for the moment. I spoke with Mr.

Schmude about this, Mr. Schmude said: I stand by my word that when we have finished no-one will remain in isolation, and that nobody will punish him now for (a) he has stopped the hungerstrike and

B: (b) he has no defence.

Part III

A: From Bonn I talk with Mr. (representative of the prisoners) at this moment, Thursday, 16 April at 3.40 p.m. and announce to Mr. (representative of the prisoners) that after the cessation of the hungerstrike, Mr. Schmude will personally represent those cases, where judicial arguments still prevent a coming together in larger groups, he will make a commitment as he has always said before, that none of the prisoners who have broken off their hungerstrike will remain in isolation. So far these were the words of Mr. Schmude.

Appendix 25

Extracts from a letter of Werner Hoppe, 25.11.77

After the termination of the hunger- and thirst-strike on September 2nd, here in Hamburg, on the morning of the next day, the common association/joint yard hour/bathing were permitted, in the same form as had been practised up to our transfer to Stammheim in July and, as it had been promised by Senator Meyer during the strike. We spoke extensively with Dr. Goriach on Saturday/Sunda about the necessary medical treatment for our recovery after the strike; he was responsible for these measures. On September 3rd we were also moved from the observation cells to the old ones - four normal cells adjoining each other.

Monday, September 5th between 6.30 and 7 p.m. I learned from the radio that Schleyer had possibly been kidnapped, which was confirmed in the following news announcements. Around 11.00 p.m. the Inspector appeared on duty, accompanied by six uniformed jailers, and he explained that my radio would be taken away on the order of the Prison Director. There were no other measures during that night. On the morning of September 6th, I wanted to make contact with Wolfgang Beer: "Kontaktsperre" (contact ban) was the scanty answer from the station officer. Yard hour also only alone. I had not been in the yard for long (I had just spoken to a doctor about the nourishment), when around 9.15 a.m. a fairly large crowd of prison warders stormed into the cell, around them a confusion of diverse heads of departments, higher ranks of the prison administration and civil officials whose identity and function were not disclosed.

I was ordered to go with them, with that I was nearly dragged out of the cell, without the possibility of even putting on my shoes. Then brought into the cell no. 5 in the security station, which is just near the central office. Two prison officers and one of the civil officials came with me into the cell - the officers then ordered me to strip. The civil official didn't say one word during the whole procedure - he neither answered my demand to show his card, nor my question whether he was from

the BKA: he just stared at me - as if he wanted to frighten me. After the procedure the three of them went... from the corridor I could hear the noise of their activity - the searching of our old cells.

After more than 2 hours and repeated demands to explain how long I was going to stand in the empty, dirty hole without shoes, wearing only pants and a shirt, reduced by the hunger- and thirst-strike - I was finally informed at 11.30 a.m. that I would stay there. Shortly after I got my things - my papers, only partly - one report of mine about the forced feeding was taken away because of so-called 'untruth'. The cell I had been locked in is permanently supervised from the nearby central office. The cells to the right and the left were empty. Beneath and beyond also no-one except warders. The part of the yard beneath the window had been locked for the others - to prevent contacts. Actually there was no possible contact left to me. I couldn't speak to anybody: except prison staff. During the same night the terror began which a certain number of the warders of the night duty had chosen as their task: bangs and kicks against the door, loud talking about what should be done with us - variations about kinds of death, to shoot us or to hang us were the mostly repeated ones - in such a way that I could not fail to hear it, or direct threats through the door: "you pig, soon we come and give you the k.o." and so on.

The prison management was fanatically trying to prevent any contact, to cut me off from any information: when during the yard hour a prisoner appeared at the window, the tower warder at once called to the station to take him away; newspapers lying in the central office awaiting distribution were removed when I was led into the yard, radios were turned down even if they could barely be heard in the corridor. The director of this section threatened me with the cutting off of the yard hour altogether when I had stopped once only briefly in the yard. The person I had wanted to talk to was not allowed to come again after the two talks we'd had at the end of September.

The total isolation since 6.9.77 is directed at producing a stress which will destroy - and you have to see that after the

locu-Appendix 25

cutting off of all contacts to the outside world, no radio, no newspapers, that after this the separation from the other guerilla prisoners is only an added bestiality. This is my experience in these weeks - and clear that this aim of destroying me would be achieved, if you didn't fight against it. In view of the possible exchange it is the police tactic to attempt to destroy all the prisoners: without the consequences which would follow an open execution in this situation.

That it wasn't even worse than threats and insults from certain warders in these weeks of contact ban, lay only in the threat that this would have consequences for Schleyer.

The sharpening of the stress was continued with irregular observation through the cell spyhole - sometimes only every hour, sometimes every ten minutes - and with switching on the cell light at night. And then on October 2nd the medical treatment after the strike, medicine and extra food, were abruptly stopped.

From thereon there was only the usual diet - much too little, even though malnutrition could clearly be seen (only after 2 weeks could I manage to get extra soup) - and the medicine we got without examination before through the prison doctor, vitamins and so on - we now only got after examination. I rejected this because it is only information for the State Security.

Shopping is forbidden.

The only information I got officially during the time from September 6th until October 18th 1977 were:

On September 13th through an officer from the BKA during a questioning of the prisoners: that I belonged to the 11 prisoners whose release was demanded

and in the afternoon of October 18th, through the prison doctor - after being locked in a control cell: that after the 'liberation of the hostages' Andreas, Jan and Gudrun had 'committed suicide', and that Irmgard had attempted it, and that the supervision now should prevent new 'suicides'. The comparison with Brigitte Schulz in the Israeli prison is evident: the only information she got in the one year was: Ulrike (Meinhof) had committed suicide.

In the night to October 16th I had heard that an ultimatum had expired - the threat against my life increased. During the action I had been expecting my execution all the time - not by flipped out warders, but by the Secret Services, in case the Government would reject the appeals; but in this night I took it as possible that one of the warders who again and again had shouted that I had to be hung, would flip out. The night of October 18th on the other hand was calmer then. What had happened during that night I heard in pieces from the prisoners in the yard next morning. In the night to October 18th from 7 p.m. on I was watched much more intensively than in the time before - sometimes not more than a minute went by until the spyhole was opened and closed again, and in difference to the usual insults no word was spoken. WHO was watching me I don't know. In the central office, where usually some warders are, whose talks I can hear, it was unusually silent this night.

Because of these occurrences in the darkness and since I knew that a decision for or against the commando's demand had to happen soon, I prepared myself for an attack in this night: the situation, the atmosphere was clearly recognisable as dangerous for me.

The most often heard sentence in these weeks was: "So hang yourself finally" and mostly adding: "Alone he won't do it, one has to... help him" or similar suggestions.

The whole arrangement - the total supervision on one side - and the declaration of Justice Ministers and high functionaires on the other - unworthy of a human being - continuing supervision couldn't hinder someone decisive from committing suicide - that means for me that more executions camouflaged as suicides are possible... Part of this arrangement is that I found in the tool pocket of a boiler suit which I had just got from the prison authorities - the broken blade of a knife about 10 cm long sharpened to a point - this was in the end of October, 2 or 3 days after the trousers had been given to me by one of the officers. I can't say whether the blade had already been there or whether it had been put there afterwards, when I wasn't in my cell and wasn't wearing the suit - anyway I do exclude that

it was there by mere 'accident': because everything I get is checked through very thoroughly. (I threw it out of the window, since I had no contact to a lawyer or to a prisoner whom I could have told about it before making a report to the prison warders)...

In the night from October 21st to 22nd at about 12 o'clock I heard a low sound at the door of which I took little notice. Shortly after, I looked at the door and saw a noose hanging outside: tied in such a way as ropes are as used for hanging. I don't know who had hung it there. About two hours later it was gone - also then I couldn't see who did it.

Appendix 25b

Guenter Sonnenberg was, together with Verena Dec. G. shot down and arrested in Stages on the 3rd of April 1977. Since that time Guenter has been in isolation.

Several times Guenter has gone on hunger-strike, because it's absolutely vital for him to have human contact, to recover from his head injury.

One day after his hungerstrike on the 24.1.79 in Stammheim Guenter was transferred to the hospital of the prison Bruchsal. This meant total isolation for him, then 33 other prisoners also went on hungerstrike in solidarity with Guenter, Justice Minister Dr. Eyrich from the Justice ministry Baden-Wuerttemberg promised special prison conditions for Guenter, once he had recovered from the hungerstrike.

After he stopped his hungerstrike on the 9.3., Guenter was transferred to the prison hospital Hohenasperg. He stayed there until the 19.3.80 and is now in Bruchsal. Here a report by his lawyers on his proleard "normal" prison conditions.

Thomas Fischer, lawyer

28.3.1980

PRESS STATEMENT

As the defence lawyer of Guenter Sonnenberg I want to report the following:

On the 19.3.80 my client was transferred from Hohenasperg into the prison in Bruchsal. The Justice ministry Baden-Wuerttemberg verbally gave the following assurance for the future prison conditions of my clients:

- Guenter Sonnenberg receives the normal prison conditions for prisoners, especially:
- he will not be put into a special wing, but in a normal wing - normal exercise and common leisure-activities -
- no special selection of prisoners in his group.

The only restrictions opposed to the ordinary conditions are:
- a building-also secured cell (no skirting board etc.)
- control after contacts with other prisoners, but only through search by hand (?), (no undressing or changing of clothes)

At first no participation in football games, as far as this was dangerous because of the head injury (this applied only for the period before the brain-operation of my client, which was already happened 6 months ago).

It is assumed that my client will be put into a special wing, but this is not confirmed with my client. Appropriate applications by the defence, association for example, were answered with the reason, that Robertzberger was a prison hospital so association didn't exist there anyway.

In several press reports in January and February of this year the prison situation of my client in Hohenasperg was presented as quite idyllic. Also the news was being spread that Guenter Sonnenberg would soon be transferred to Bruchsal and there would be put into normal conditions. But the reality looks totally different.

relativly isolation in Hohenasperg was now tightened up in Bruchsal that we can only talk about a nearly total isolation of Guenter Sonnenberg.

For example:

- No exercise in the yard with the prisoners from his wing, but with five to ten selected prisoners who are not allowed to talk to my client.
- no association with other prisoners
- no leisure-activities with other prisoners, only church on Sundays, possibly sometimes a film-show, but here also no possibility to talk to other prisoners.
- no possibilities for work, only solitary work in the cell was offered
- prison-internal shopping not with other prisoners
- the cells next to my client are not occupied.
- the cell of my client is a 2-bed cell but in which it is in solitary confinement.
- daily cell raids, several times a day.

All this points mentioned only apply to my client and are in opposite to the prison conditions of all the other prisoners in Bruchsal.

Educational- and leisure activities offered in Bruchsal: language courses, music groups, discussion groups, theatre groups, chess, sport, films, television.

It's nothing new that prison conditions of this kind will physically destroy the prisoner. The results of deprivation research have been published.

Already for quite some time different medical statements have existed, which as prerequisites for the recovery from the physical results of Guenter Sonnenberg's head injury regard a "for stimulation rich leaving atmosphere" and many human contacts as necessary. In an only relative social isolation a continuing worsening of his psychic efficiency has to be reckoned with. The effects of his conditions in Bruchsal are already noticeable now through break-down in concentration when he is reading or writing.

The "for stimulation rich living atmosphere" for my client means that he, apart from the exercise period where he is not allowed to talk to the other prisoners, except for one, is locked in on his own for 23 hours a day.

Apart from the fact, that any form of imprisonment, without even special conditions, is - according to the medical statements - health-damaging for my client, the prison conditions of G. Sonnenberg in Bruchsal mean, that the prison authorities will or cannot create such condition that the rehabilitation of my client from his head injury is not made impossible. The consequence is that Guenter Sonnenberg must be release from prison because he is not fit to stay inside.

May 1981: Guenter Sonnenberg is still held in Bruchsal without association.

Hannfried Matthies
lawyer

Lessingstrasse 78
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Karlsruhe, 31st March 1983

P r e s s R e l e a s e

On 29.3.85 my client Bernd ROSSNER, prisoner from the RAF, in the prison Frankenthal was beaten up by a squad of 10 prison officers.

They took him brutally by the neck, choking him, tore his arms behind his back and applied handcuffs which were pulled tight to hit the bone. His legs were torn backwards and he was dragged face down, under kicks and punches, to the punishment cells.

On the way several officers pulled his legs apart and one of them kicked him hard and purposefully in his balls. The handcuffs which had been applied to his hands behind his back, were used to 'carry' him, whilst his legs (which were also used to carry him) were torn apart and his feet turned outward. In this way the practised and purposely used manipulation caused extremely severe pain.

Once down below, the officers tore all articles of clothing off his back, partially tearing them, and then dragged him naked into the cell. One of the officers incited the others by shouting:

"get his legs apart and get his trousers down, and we can better hit him in the balls".

Then again, kicks into the genitals to cause maximum pain.

As a result of these brutal measures the prisoner has severe pain

all over his body: but particularly on his hands and feet, swellings and contusions, a swollen nose, contusions and red marks on the bridge of his nose, contusions on the genitals. Terrible headaches.

The insignificance of the alleged 'cause' of this assault leads to the conclusion that it was prepared and planned: Bernd Rossner is alleged not to have had a pullover or shirt over his vest at 06.00 hours, at the time when breakfast was handed out, which was an offence against the rules of the prison. He was refused breakfast. His protest against that was the signal for the summoning of the squad.

The mistreatment is part of the physical assaults on political prisoners which have increased during the last few months:

- Christian Klar, Brigitte Mohnhaupt and my client Adelheid Schulz have been maltreated several times following their capture, for the purposes of "obtaining information" and for "identity parades".
- During the cell searches, which immediately followed the capture of Brigitte Mohnhaupt and Adelheid Schulz, of all political prisoners throughout the Federal Republic, Andreas Vogel and my client Bernd Rossner were beaten up, furthermore Bernd Rossner has CS-Gas sprayed into his face from close range.

Since his capture in 1975, Bernd Rossner has been isolated almost without interruption. He fought for joint imprisonment for prisoners from the RAF by means of several hunger and thirst strikes. Bernd Rossner is the first prisoner who is now applying to be moved into a group of political prisoners within the framework of a new initiative for the joint imprisonment of prisoners from the RAF and the anti-imperialist resistance. (Bernd Rossner wants to go to Celle in order to be with the group that exists there.)

The first reaction by the Ministry of Justice of Rheinland-palatinate was to offer him yard exercise with three other prisoners from a special wing. It was known that Bernd Rossner would refuse 'this offer' because he wants to be with his comrades in Celle. The purpose was to then deny him yard exercise altogether which is what happened.

The second reaction (to his application) was obviously the assault on Tuesday, with which the State attempted to break Bernd Rossner's will and determination to fight to be with his comrades.

H. Matthies

Hannfried Matthies
lawyer

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Karlsruhe, 22.4.83

P r e s s R e l e a s e

Since 18.4.83, my client Bernd Rossner, prisoner from the RAF, has fought for his transfer to one of the existing groups of RAF prisoners in Celle by means of a dirty protest.

Extracts from the Dirty Protest Declaration by my client:

"...my Dirty Protest means that I:

- shall no longer use the toilet for my daily needs, but the floor of my cell;
- shall refuse to shower twice a week;
- as of now shall refuse all mixed food and all beverages from the boiler on the food trolley in order to avoid the possibility of imbibing manipulative medication;
- shall smash the glass of the cell windows if the security lock on the windows is fastened so that fresh air can no longer reach me..."

Bernd Rossner has been isolated for the last eight years.

Bernd Rossner is the first prisoner who, within the framework of the new initiative for the joint imprisonment of prisoners from the RAF and from the anti-imperialist resistance, applied for his transfer, on 8.2.83, to the Ministry of Justice of the Rheinland-palatinate.

On 8.4.83, the Federal Criminal Bureau initiated the searching of the cells of more than 30 political prisoners when letters demanding joint imprisonment were confiscated. It was the aim of these cell searches to prevent initiatives which might lead to a change in the conditions of isolation and to criminalise the debate concerning such initiatives.

By 21.2.83 Bernd Rossner had already had his yard exercise stopped. Since then he has been isolated for 24 hours daily in his cell without the possibility of exercise and without adequate fresh air.

On 29.3.83 he was overpowered by a squad of 10 prison officers, handcuffed and badly maltreated with a series of systematic blows, as already stated in the Press Release of 31.3.83. The excuse for this occurrence was that he had defied the order of the prison in Frankenthal.

The responsible authorities had not managed to achieve their aim:

Bernd Rossner continued to show his determination to fight for his transfer to Celle.

In a discussion with Bernd Rossner's lawyers on 15.4.83, a representative of the Ministry of Justice of the Rheinland-palatinate announced the transfer of Bernd Rossner back to the prison in Straubing (Bavaria). Within the next few weeks, as soon as Christian Klar would have been moved from Straubing. Apparently this had been so planned from the beginning. Bernd Rossner had been isolated in Straubing for the past five years of his eight years of imprisonment, up to his transfer to the prison in Frankenthal in December 82.

During these five years he fought by means of several hunger and hunger and thirst strikes for his transfer away from Straubing into a group of his comrades.

All applications in respect of this were rejected by the Bavarian Ministry of Justice.

Since the beginning of his Dirty Protest, Bernd Rossner has been locked in the punishment cell. This cell, which is tiled white, lit with harsh neon lights and completely empty is heated by means of hot air ducts producing very dry air which comes through several air vents in the wall and which causes difficulty in breathing. Visits are not allowed. Apart from letters from his defence lawyer, no other letters can be sent or received.

Bernd Rossner has declared that he will continue his Dirty Protest under all circumstances and against all attempts to break his struggle, and in every place until he is transferred to Celle.

H. Matthies
(lawyer)

Appendix 29

Holger Meins: Report about Force Feeding Oct 1974

Since September 30th (12 days now) force feeding is once a day. It takes place in the infirmary (a single storey addition to the 'B' wing, like a worm, I am in 'A' wing, middle of floor 1). I go up to the treatment room with them voluntarily. An escort of 5-6 greens, 2-3 ambulance men, 1 doctor. The greens bundle-drag me onto an operating chair. It is actually an operating table with all its tricks, e.g. it can be turned, tipped, etc. and can be converted into a chair with head and arm rests.

Buckling: two handcuffs around the ankles, about a 30 cm broad belt around the hips, left arm with two broad leatherpieces and four straps from wrist to elbow, right arm two - wrist and elbow - one around my chest. From behind, a green or medic, who is firmly pressing my head against the head part of the chair with both hands around my forehead. (With active head resistance still another one on the right and on the left side. Into the hair, beard, around the neck - thus the whole body is strapped down, if necessary another one holds knees or shoulders. Movement is possible only of my muscles and "within" the body. This week they fastened the belts/straps very tightly. So that the blood supply to the hands stopped, so that they turned blue....)

Mouth: from the right the doctor with a little "jemmy", about 20 cm long, one side peaked, the other side pan-like, wrapped up with leukoplast. With it he goes between the lips, which are pulled apart with the fingers at the same time, and then between the teeth and levers them apart, either by screwing or with the pan under the palate, easily leading to injuries on teeth and gums.

Against the strength of the jaws they have three grabs: to press apart with the fingers beneath the lips and at the same time tearing of the beard; strong pressure beneath the ear and against the jaw joint, which hurts very much; with peaky fingers take the muscle from behind, which is leading from the front up to behind the ear. Doing this they press and knead the carotid

artery, another artery and the vagus nerve against the muscle, which doesn't only hurt most at the time, but also continued most of the following day.

As soon as the jaws are far enough apart, the medic pinches-pushes-presses the lockjaw between the teeth. That is a scissor-like thing, two fingers thick, with gum and with a screw at the joint, with which the jaws are pressed apart. The tongue is pulled forward and pressed down with flat tongue pliers or the doctor does it with his finger, over which he wears a steel finger stall except for the finger top.

Force feeding: they use an ordinary red stomach TUBE (not the special tube) which is about as thick as a middle finger. It is oily, but actually never slips inside without automatic retching, since it's only 1/2/3 millimetres thinner than the aesophagus; you can only avoid it, when you co-swallow and altogether are very calm. With the slightest agitation the insertion of the tube leads immediately to retching and nausea, then to a tightening of the muscles of chest and stomach, to convulsions which go in chain reactions and with growing intensity and strength through your whole body, which is rearing against the insertion of the tube. The stronger and the longer - the worse. One single retching and vomiting, accompanied with waves of cramps. You can only avoid it or make it easier, if you are very relaxed, loose and calm yourself, if you can breathe long and regularly. Under these conditions and with resistance it is completely impossible - and in all respects it's only possible with calm concentration and with self control. Under the condition of direct force it always means: self suppression and self discipline - but even then the buckling is the CONDITION of this kind of force feeding, since the body reacts "naturally".

When the tube is inside the stomach, a broad funnel is affixed to the top, and then out of a normal size cup (about 1/4 litre) slowly the broth is funnelled in. It is a kind of meat broth, muddy, slimy, greasy (anyway with vitamins, dextrose, egg? little things) and with a thick brown semolina type residue. The feeding lasts about 2 or 3 minutes. All the contents of the cup are always administered. Even when the retching became extremely

strong and the body totally seized in a cramp - without consideration, which once lasted at least 5-6 minutes.

The feeding is only possible if one is relatively "calm", since with strongwretching the broth spurts out of the funnel again, but it also ascends outside the tube into the throat, which can lead to suffocation attacks: that happened twice.

The retching itself and the spasms as well as the swallowing are naturally painful, especially in the larynx, which with each of these movements is pressed against the tube.

The levering with the iron tongs has lead to an injury of the gum, the underlip is injured on the inside as if "bitten" - and slightly inflamed, the throat is "roughed-up". The larynx is hurting all the time and I'm hoarse.

Until the tube is pulled out it lasts 3-5 minutes, this depends. Afterwards I remain strapped down for at least 10 minutes (sometimes it was longer) and my head remains pressed down, to "calm me down".

Up to now the doctor refused to tell me his name (it is Freitag). A green cop (named Vollmann) - 1.90 metre tall - mostly does the head pressing - he always pressed my head against the leatherpart with all his power, until his hands began to tremble with exhaustion: a sadist. Another one pulls the straps as tight as possible, which has lead to cuts in the ankles, blue marks on legs, arms and so on. This always went strictly according to procedure, including the 10 minutes afterwards.

APPENDIX 33

Account of Ingrid Schubert about the attack of 8.8.77

The overt brutality of the attack this morning is the signal that the Security Service, the Ministry of Justice - Baden-Wurttemberg and Bender, are set on the "Endlosung" - Final Solution - in Stammheim within the next few days. The direct physical attack (on Gudrun, Andreas and Jan in the sixth year of their confinement) is certainly not the culmination of the offensive - systematically escalating in Stammheim during the last week: simultaneously with an escalation on all levels:

- the campaign against the lawyers' office here in Stuttgart
 - the falsifications
 - the attempts to connect Croissant (the lawyer) with the death of Ponto
 - the fascist image of us as enemies, as "terror-spooks" -
- all this is intended not only to escalate the manhunt outside, but also to prepare the public for the planned liquidation of the prisoners.

It is the pattern of psychological warfare, i.e. of a design that uses military, psychological and economic means to liquidate an opposition movement.

The background story which lends urgency to the matter is the high probability that the KSZE conference in Belgrade - following the rejection of the revision - the Commission for Human Rights in Strasbourg and the UN will be concerned with the direction of the "show-trial" in Stammheim, for which Rebmann, in the meantime the most senior prosecutor in the FRG - was responsible in his capacity as the chief ministerial director in the Justice Ministry, Baden-Wurttemberg - this is not to mention the bugs in the defendants' cells and the deaths of Ulrike and Siegfried in Stammheim.

It is clear, that this rogue, who in the most literal sense has furthered his career "walking over corpses" - i.e. the corpses of prisoners and that of his predecessor now wants to rid himself of the trouble caused him, by a combination of

witchhunts and murder. Now after Ponto's demise he is making the fact evident, in a new dimension - that we are hostages of the Federal Prosecutor's Office though this was already clear after Buback's death.

The individual phases of the escalation:

After the "binding promise" from Rebmann - still as the person responsible in the Justice Ministry - we broke off the hunger-strike. But for seven weeks nothing happened at all. They are constructing here a perfect machine, which can register and control our every move - an architecture, which is a bastard crossbreed between a bulletproof bank-counter window, behind which the screws can observe us every single minute, and a carnivore house in which we are sitting, supposedly composing our 12,000th secret message - and brooding on new sensational crimes - the lawyers and politicians never lie. The place is crammed with electronic surveillance and alarm systems in such a way that the screws themselves often can't find a way through, they press the wrong buttons and set off the alarm bells. At night 2 TV cameras observe with an electronic sophistication that reacts to every fly or fluttering bit of paper and sets off alarm bells.

The construction work has now extended for seven weeks. After this 3 prisoners will be moved here from Hamburg and we will then be 8 instead of the six previously. Ratte (Verona Becker), despite a six-week hungerstrike and Nusser's recorded promise, is not coming onto our wing. Gunther is being transferred from Stammheim into the total isolation wing in the mental institute Weissenau and from there into the infamous prison psychiatric unit, the Hohenasperg.

Nusser and Schreitmuller have made it quite clear, that the Ministry of Justice in co-ordination with the Federal Prosecutor's Office is pursuing a delaying tactic. The Federal States suddenly no longer know anything about agreements and they refuse to transfer prisoners. Since the middle of July it becomes ever clearer that their promises aren't going to be kept.

The Federal Prosecutor's Office formulates an absurd allegation of attempted murder against Newerla and Muller (lawyers)

In the ISC-Report from NATO, this method of giving an outlet to the old megaphones of the protest movement in order to turn them around and to use them for their own ends, is called co-optation - i.e. 'drowning the revolution in its mother's milk'. But further, the shamelessness with which this is going on here shows what we have always said: that with the first armed action the phase of protest is over - that we are no longer revolutionaries but we have become enemies of the system - that the harmonious relationship of man with imperialism as Andreas has already said - is war.

It is not our hatred that contorts the face because our hatred is human, but it is rather ignorance, contemptuousness and cretinism in which the enmity of the system between those who are excluded must reproduce itself, as long as they come to terms with the ghetto instead of fighting in the dialectic.

Scarcely one day had he been on Buback's throne before Rebmann began a propaganda offensive against the prisoners and their lawyers, in particular against the Stuttgart lawyers' office. At the end of July Der Spiegel magazine published an article by the State Security Department (TE) - which represents a new type of state security journalism and was a fabrication from the first to the last word as it included almost all the lies the Constitution Protection Agency had contrived against the lawyers from the last nine months of the year.

At the end of July - two days before the Dresdener Bank suffered the loss of the "fellow-worker" who had made it into the most aggressive monopoly bank in Western Europe - Rebmann declares openly that he, as Federal Prosecutor General will not keep the promise that he gave as 'ministerial advisor' to the Ministry of Justice Baden-Wurttemberg and that the group (in Stammheim) will not be enlarged.

Finally one hour after the assassination the most massive propaganda campaign yet escalates and is increasingly directed during the course of the week against Gudrun and Andreas.

because they are unable to stop Verena (Becker) and Sabine's (Schmitz) hungerstrike - and in order to eliminate the last two lawyers who still visit the prisoners here - for Heldmann and Schily have long since crawled away into the woodwork, and thus to eliminate every outside control.

As a matter of course, outside now, the ideological whirlwind is being whipped up. The child stars of the student movement grown fat and false and the old hands from the time of the easter march now meet at the "anti-terror" front of the SPD. Here they have suddenly, a genuine class hatred against the have-nots, illegals, the prisoners, of a kind which would not have occurred to them to develop against the power of the state - which means nothing other than the power of property. After Carter intervened, for Cohn-Bendit, with the state department, Cohn-Bendit is now being used for Carter: he launches the idiotic State Security propaganda campaign by Kleinz in Der Spiegel, and draws up a list for the authorities of the last Frankfurt militants as though these weren't already completely known. Gollwitzer, who found no receptiveness in Stammheim for his social democracy which he had championed broadly and without shame, is now taking lessons in establishment journalism. At the same time he publishes the multiple rags of the left: 'ed', 'id', 'links', a dirtily contrived pamphlet against the RAF in which he attacks the self-reproduction of opposition elements possibly because they, more plebian than he even in his better times, could make themselves independent of church rates, and the state budget. Last but not least Albertz appeared on TV with the particular variety of humanity which caused him to resign in 1968. They have the job of neutralising the reflexes of the left wherever they may still exist, to the planned murders of the prisoners. Nobody knows whether that will work, but it reflects the way in which they are being used in the 'intellectual confrontation' - which is not only the totally centrally structured and viciously executed censorship of our arguments, but also of all facts which explain us - this forms a new dimension in psychological warfare.

On Sunday it is the turn of the Stuttgart lawyers' office. Zeiss, who adopts the role of the Skorzeny of the Federal Prosecutor's Office, undertook a raid on the Stuttgart lawyers' office, armed to the teeth. He has subsequently advanced the infamous lie that during the search of the offices, the original of the declaration of the Commando Ulrike Meinhof had been found, and that Gudrun had been identified as the author. In the lists of the articles found in the raid one can read, '1 envelope with a letter claiming responsibility' and naturally this is the thing that sent the Commando in all directions.

As usual the matter reached a head in Stammheim. As always, when they are preparing something, the officers on duty were changed. Grossman, the bastard who had opened Ulrike's cell on the morning of her death, is there again despite his leave. The greens (screws) become provocatively aggressive, there is a prevailing atmosphere on all levels, which indicates that we have got to reckon with some sort of attack.

Friday evening, whilst Gudrun is still with her lawyer, Andreas went into Gudrun's cell to fetch something, whilst the food was being distributed. A procedure that is followed a couple of times every day. Practically all the greens must have seen this. Shortly afterwards Gudrun returns to her cell and some time later Gabi (Moller) arrives and enters the cell having been in the cell where the fruit is - and - the unthinkable must be imagined here - Andreas is in a cell with two 'ice-cool, calculating, sharply drilled murderesses' (as they were described by leaderwriter Zehm). The screws who saw what happened abruptly lock the door in front of me. Compared with the usual fuss they create when two of us are out of sight, we found that rather funny. I was standing directly in front of the door and it was completely obvious that they knew where Andreas was. It occurred to me that they were all nervous and were whispering together in front of the glass box. The three in the cell were obviously surprised as well, because immediately afterwards the alarm system lights flashed and the cell door was opened. Gabi came out, went into her cell to fetch something. Munzing, the senior administrator, who has only been posted here since last week, went past me into the cell, walked across to the windows and knocked at the bars of both windows. then turned around and

walked out again, past Andreas who had obviously been searching through the folders in the bookshelf, was eating an apple and watching him, thus he wasn't hiding at all. He passed me again as he left the cell. I was discussing briefly with Gabi, that I would go R (Verena Becker) for the night. She is isolated from us in another part of the floor/wing, but we can see her at lunchtime and at night. Then I went out to the table in the middle of the corridor, and Munzing immediately, and without saying anything, closed the door behind me. Whilst this "comedy of manners" was unfolding, at least five screws were standing about in the tract. Later we established that at this point none of us knew that the whole thing had a purpose. I am not in the mood to explain, why, after 6 years of isolation, we still feel the need to be together - this even under the power of violence which is intended to make very feeling, every thought and every movement unreal or turn it into the real kind of pain we call torture. Because it is planned, because it is done consciously, scientifically and on purpose.

We were amazed, but also found it quite funny, because it is not our business to carry out this dirty spying designed to persecute us and register every movement we make. In actual fact: in the 1 1/2 years we have been together here the system is such that the warder who has to watch us continuously and who is relieved every 20 minutes - at first there were 3 warders sitting next to each other on stools staring at us - if 2 of us, not of the same sex can't be seen, even for a second, the warder makes a noise to attract the 3 other warders who sit on standby behind the curtain. They come into the wing immediately to intervene. Besides this they all have a checklist on which they make notes - if even one person can't be seen and which of the two open cells he may be in. It is an infamous and perfect system of total control, which leaves no chance for any unobserved expression of being alive.

The meaning of the actions became clear to the others an hour later when they fetched Andreas out of the cell, and, then further on the following morning, Saturday. The provocations and aggression shown by them since Ponto's death, are now accompanied by a grisly humour, and they are now exacerbating the

situation further. They announce that "on Monday the others are coming". Both the cell doors, which up to now had been open, remained closed - what I mean is that the greens stand there, on the wing, until they are closed with the result that during the whole of the weekend (rec-time there are 3 and sometimes 4 officers threateningly standing around during the time that the cell doors are open). That is apart from him sitting in his bulletproof cockpit. When asked why they wanted to cause trouble and why they had created the situation on Friday, they react with aggressive threats "we'll soon see", "something's going to change here", as Emil said.

It becomes clear that they believe they can afford to persecute us with their obscenities and deceit riding on the wave of chauvinism which the psychological warfare has unleashed. They brag, not only about it being within their rights to behave like bastards, but most particularly because they are males. Although it must be quite clear even to the densest warder, during the 1½ years that they have been watching us, that the intimacy in the relationships within the group (and certainly in prison), function on a level where sexuality, apart from tenderness or perhaps sensuousness, has practically no role at all. The three who found themselves in one cell on Friday evening, certainly had other problems - and that became completely clear in the situation at around 4 and 5 o'clock when Andreas was taken out of the cell.

Since then they only talk - if they talk at all - about fucking. Grossman eventually said - word for word - "I never thought it of you, that you got up to that - fucking", in such a way that Andreas's blood boiled, and he said to him "If you don't stop that, then I'll shut you up". This was the only threat that was uttered at all and it is quite clear from the wording that the rubbish spoken by Grossman is pure invention and recognisable as such by its style.

Monday morning, everything is destined for a total confrontation: from 9.30 a.m. onwards the greens are standing on the wing watching every movement. During the ½ hour long confrontation

when we requested they leave, Nusser, Schreitmuller, Haug, Bubeck etc. stood behind the curtain listening, amongst them was the little one with the pock-marked face and weasel features who had often boasted openly in the canteen, that he'd go up and finish Andreas off in his cell.

Around 10.00 a.m. in stormed the riot squad. I reckon there were between 40-50 screws in all, at the head the trumpeting Nusser, and just behind him Schreitmuller fat and grinning, and of course Haug as broad as he is tall, he is the most hated screws in the whole prison. Just the 'commanders' of this army alone must have weighed 600 pounds. Most of them we had never seen before. The screws who normally work here like Meisterfeld for example, are not there - as is usual when they are planning something. The whole troop came at us from the rear and approached the open doors, and Nusser, without even listening to our attempts to reason, ordered "Shut the doors. No discussion". Andreas answered quite calmly saying that he is creating this overt escalation. We positioned ourselves in the doorway of Andreas's cell whereupon Haug immediately attacked Eagle (Wolfgang Beer). Jan screamed at Haug that he should let Eagle go and first explain what they want. A fat screw stinking of beer, who was standing just behind Nusser, started to hit Leo (Helmut Pohl) with his fists. Andreas, who until then had stood there with a coffee cup in his hand, threw it against the bars. Schreitmuller later reported that it had been "aimed at his head" (you only have to remember that as early as 1974 he falsified some proclamations by the prisoners in Stammheim in an attempt to smear the RAF - the fraud was revealed because the real authors contacted the press after he had published his falsifications). The cup smashed 1 to 1½ metres away from one of the greens and Andreas was only 2 metres away. Schreitmuller himself a former Public Prosecutor before he wormed his way into the penal service, was the responsible prison officer when Ulrike (Meinhof) and Siegfried (Hausner) died here - is blatantly lying and of course he is doing it with the certainty that his contribution to internal state security - the incitement of 50 brutalised bastards against the prisoners - will win the support and the understanding of all institutions of the law.

Then it began:

6 screws grabbed hold of Werner (Hoppe), who had only shouted that they should let go of Eagle and started beating him. At the same time 6 screws jumped on Andreas and both were thrown indiscriminately into a cell. Then it was Leo and Eagle's turn and in such a way that their heads and backs were banged against tables and shelves. They started to beat Jan up right in front of Andreas's cell. I screamed at them and Haug pushed me away. Next to me, by the radiator, I saw Gudrun lying on the floor - and I got the impression that the whole beastiality culminated on her. One of the bastards had her whole face in his hands pressing down on it, two were pulling at her arms behind her back, on the left side of her body, and was pulling them together, at the same time trying to knee her violently in the side with all his strength. The whole thing had the appearance of murder. I tried to get to her, but at that moment I was grabbed by 6 screws. I can still just see Gabi, who had been thrown onto the floor, then I was thrown this way and that for a while then to the floor so that I banged my head. When I tried to defend myself against the kicks into my sides and kidneys, Haug, with all his weight and strength dropped his knees down onto my head pressing it hard into the floor, then he lifted my head and banged it 5 or 6 times on the floor. It lasted some time, a good five minutes, until they dragged me the 30 metres to the other end of the wing where they then threw me, on all fours, into Eagle's cell so that I again banged the back of my head and my back. I can only remember waking up - still lying on the floor - I don't know if I was out for seconds or minutes. Then I vomitted and I felt completely exhausted.

Around 2 o'clock came the second wave. They fetched us out of the cells into which they had kicked us in order to put us into other cells. 10 screws, led by Haug, Grossman and the drunk. After the failed attempt to fetch Andreas out, who they couldn't get hold of, they fetched Eagle out of my cell and pushed him into an empty hole - I can still hear the sound of the punches. Passing by in front of my cell, Haug threatens me, "You'll have your turn soon, you bitch".

When they finally opened the door and came in, I immediately rushed out into the corridor and called for Jan and Andreas and hadn't even tried to go to Andreas's cell, when the drunken screw grabbed me from behind by my hair and twisted it by the scalp pulling out handfuls of hair. The other screws grab hold of me as well and starting hitting me from behind, precisely and sadistically in the nape of my neck and in my back and sides swearing at me, "You're getting what you deserve now you dirty bitch", "We'll show you". They dragged me away from my cell and then Haug kicked me brutally in the small of my back which sent me flying right through the cell against the exterior wall. Then he roared, "Disappear you bitch".

Apart from bruises over my whole body, kidneys pains and pulled tendons, above all I have a painful swelling on the right side of my head behind my ear as well as a swollen ear. About 2 hours later severe headaches develop, pressure on my eyes, shivering, sickness, circulatory weakness. The whole thing happened 48 hours ago now, and I still have the severe headaches despite the strongest analgesics they have here.

Since the beating we've been completely isolated, we can't see or speak to each other, our free hour has been stopped and every step on the corridor takes place only in the presence of 3 screws. We have communicated by shouting to each other through the slits in the doors. We have begun a hungerstrike and have declared that we will begin a thirststrike as well, unless within a few hours the old regime isn't reinstated without one single restriction.

I am certain that the brutalities and humiliations of the type practised here and for which in the meantime Stammheim has become internationally renowned, must either stop - or they will carry us out of here dead, one after another.

"We can only be surpressed if we stop thinking and stop fighting. People who refuse to stop the fight cannot be surpressed - they either win and die instead of losing and dying, so said Ulrike"

Appendix 34

STEFAN WISNIEWSKI

JVA Frankenthal
23.10.78

On a confrontation with witnesses under restraint, with a sample taken of blood, saliva and hair

or how the BKA fabricates its 'proof'.

At around 13.00 hrs, the prison guards entered by cell to take me before the BKA. I received no answer when I asked why. I therefore refused to go, not understanding the reason for going. they left, then returned 5 minutes later to summon me, on the grounds of an official ruling. I asked to see it and was refused without any further information. Meanwhile a commando of 6-8 people had appeared, without succeeding however in changing my mind, that was because the previous motives were no longer put forward.

I continued reading my book until the guards took the opportunity to jump on me. They put handcuffs on my hands and feet and, what is more they gagged me tightly. In this condition I was taken to the bunker in the cellar.

From that moment the BKA took charge. There were more or less 12 BKA cops. I was tied hand and foot to a chair, hands behind my back, then someone appeared with an electric razor and a pair of scissors saying that they had orders to cut my hair. I was held down by 4 BKA cops (even though I was still tied to the chair): two of them kneed me in the stomach, another tightened my gag and a fourth pulled my head back by my hair. Clumps of my hair were quite simply pulled out instead of being cut. After that they ran the razor over my beard, resulting in a row of scratches on each cheek.

In this position I could only defend myself by turning my head. So they pulled my head back so far that I thought my neck would break at any moment. The "hairstylist" decided I was not quiet enough for him to be able to shave me, he stopped for a moment

during which they stuffed a towel into my mouth so that I could only breathe through my nose, whilst another dug his knee into my chest. This stopped me from breathing and I began to lose consciousness.

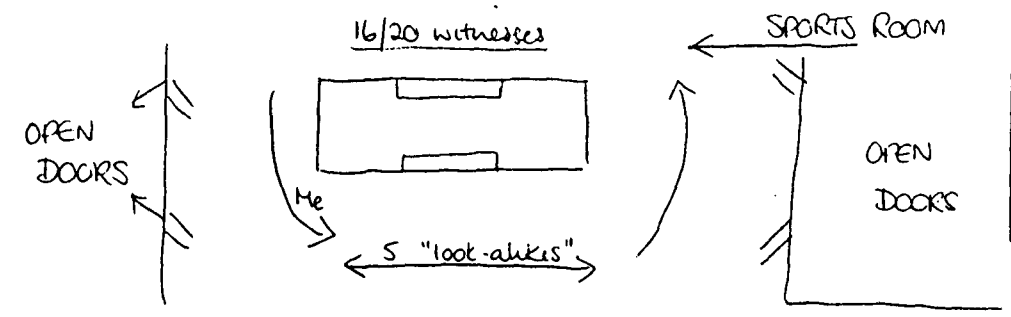
That is when they took the chance to more or less shave off my beard. Then they removed the towel, so that I could breathe more deeply. Laughing at me he said: "He could still do this differently"; so I answered him by spitting in his face. That is when he put the towel under my chin to "soften" the blows he was about to give me. Then one of the BKA cops sat opposite me to read the Kuhn ruling to me, so that I would know what was going on. The order was dated 13.9.78 and allowed the confrontation with witnesses in order to lead to the identification of the accused, suspected of participating in the Schleyer kidnapping (also with the aim: taking samples of blood, saliva and hair).

During this whole procedure they tried to photograph me - and also during the confrontation.

Then they waited for the doctor who did not come. After 15 minutes I was once again tied to my chair and that is how I was carried to the second floor for the confrontation.

There, 5 "look-alikes" were already waiting; I learned later that they were BKA cops. Two of them were in the same state as me, but closely shaven and hair properly combed. One of them was even given a sweater, because I was the only one wearing one.

For the confrontation they used the sports building



locu-Appendix 34

The passage: the other 5 were similarly tied hand and foot, but without handcuffs, which did not go against me. Each in turn, the 6 of us were carried in, his chair in front of the witnesses. Or more exactly, the so-called witnesses. What must have been noticed by the so-called witnesses was of course the handcuffs, the blood on my cheeks after my enforced shave; they could also see that my clothes were still covered with hair. I went second. They took me, yelling, into the sports room. I closed my eyes but I still took notice that there were 16 to 20 witnesses; they pulled my hair back to expose my face. 3 minutes later, 5 BKA cops took me out (after taking more photos).

3 or 5 metres from the exit was the last witness, and the BKA cop spoke to me loudly: "Wisniewski, that was pretty quick after all". Then the other 4 arrived, as the first look-alike had not made any noise, the following 4 had to struggle and shout. Over this, with a lot of noise the BKA cop (surely the one in charge of the whole business, and also the same one who transported me illegally with the BKA from Paris to here; he has mousey hair, a moustache 1 metre 75/80) said: "Don't do it as loudly as Wisniewski".

With a great laugh they let themselves be carried through the open door to play their part in the sports room. As all this went on so as to be very audible, you could have believed you were at a cabaret performance (if it had not been so despicable).

The last of the 5 look-alikes did not shout like the previous ones, on the contrary he just laughed. Since in the meantime I had already injuries, due to my blood circulation being stopped by the handcuffs which were closed too tightly around my hands and feet, I wanted to get myself into a more "comfortable" position in my seat. As soon as I moved there was no hesitation, the BKA cop was on top of me and he punched me full on the nose. As he had forgotten the towel this time, I ended up with a large bruise and an open wound of 1 cm in diameter. Blood ran from the wound, but in spite of this new disfiguration the second procession in front of the witnesses still, cynically, took place. A BKA cop thought me too loosely bound and they fixed another pair of handcuffs to tie me even tighter to the chair.

II Procession: this time I was third. The two look-alikes in front of me were bound, but not to their chairs. As for me, it was the same performance as before: eyes closed, tongue stuck out, struggling - if it is possible to struggle in such a situation.

The 4th and 5th look-alikes also had handcuffs to bind them to their chairs (not the last) but considering that I had two pairs of handcuffs it did not make much sense since I was easily identifiable (Not to mention everything else).

Both times I defended myself (shouting loudly) and I was able to establish (everything was audible) that the 5 look-alikes laughed each time they were carried in or out of the room, they swapped roles in front of the so-called witnesses. One would shout loudly, one would not.

After that, it was over and I was taken back to the bunker. No longer chained to the chair, but still handcuffed; the doctor had arrived in the meantime. In the bunker I was leant against the wall, body and head bent, and legs apart. My body was hanging over resting on my hips. This meant a lot of weight on my shoulders; luckily I did a lot of sport otherwise something would have gone.

They took a blood sample from my arm which had swollen considerably having been tied behind my back. After, I was allowed to stand up and turn my head, and saw therefore the young doctor (a stranger to the prisons) smiling cynically behind my back. The doctor said to the BKA cop: "Just call me and I'll take another blood sample". Meanwhile I had salivated so much that I spat in the doctors face - his spectacles were covered - which provoked another blow to my kidneys.

The doctor went away complaining, then I was once more tied to my chair (according to the ruling the doctor should have stayed). He wanted to take more saliva from me. This was the most difficult because I wouldn't open my mouth and to be even more difficult, I kept my teeth clenched. A BKA cop pressed like

mad against the jawbone behind my ear, but did not succeed because by then I had learnt, from the experience of the towel they tried to push into my mouth, how to keep my mouth closed.

After that they pulled my head back by the hair (I was gagged completely as well), one cop held the handcuffs around my ankles, the other hit me repeatedly on the chin and then pushed my head back, but I would not unclench my teeth.

After a short pause, the BKA cop tried to explain to me that others of my friends had not tried to defend themselves in this way. At that moment I triumphed for the first time because I knew they could not unclench my teeth. They started the same thing again, one of the BKA said: "Well, we'll have to stop him from breathing". First they pinched my nostrils, but that achieved nothing much because I still had an openings for air - a gap in my teeth.

Instead of pressing against my chest, this time they put the towel around my neck and cut off all my air intake.

Each time I thought: now it's over, my head is bursting - and then they would release the towel. This operation was repeated 3 or 4 times, I clenched my teeth instinctively and it worked, but in my head I was so confused I could feel neither the handcuffs nor the gag.

Once they had had enough of this and given up, I got my breath back - I was "safe" because they said that the saliva from my mouth would do. Then they pulled out 6 tufts of hair (they claimed that they needed the roots). Then they took me back to my cell, still tied up. It was 15.10 hours. There, I could see myself for the first time in the mirror. My nose and my chin were swollen and bleeding and my right big toe was damaged, my beard cut about in all directions (like a hedgehog).

I have strangulation marks on my neck (when I think of the BKA cop I still want to spit in his face) - an attempt to take my saliva, yes, but in the face of the BKA.

The official result of this production has not been communicated to me yet, but those jokers did not get black and white results.

Although the ruling had been made 5 weeks earlier, it does not surprise me that neither my lawyer nor I had been informed of it earlier.

Stefan Wisniewski

P.S. As I was barefoot throughout the BKA made the most of this and brutally trampled on my left foot.

The cop who I first spat on is the same one that is there behind the glass during visiting.

Appendix 35

Last Letter of Holger Meins, 31.10.74

The only thing that counts is the struggle - now, today, tomorrow, whether you eat or not. What is of interest is what you make out of it: a jump forward. Getting better. Learning out of experience. Exactly that, you have to make out of it. Everything else is shit. The struggle goes on. Each new fight, each action, each combat brings about new experiences and that's the development of the battle. It develops only that way. The subjective side of the dialectics of revolution and counter-revolution: "The decisive factor is that you know how to learn." Through the struggle, for the struggle. Out of victories, but still more out of mistakes, out of flips, out of defeats. That is a law of Marxism. To struggle, to succumb, to struggle again, to succumb again, to struggle again and so forth until the final victory - that's the logic of the people. Says the old man.

Certainly: "matter": man is nothing but matter like everything. The whole man. Body and Consciousness is material matter, and what substitutes man, what he is, his freedom - means that consciousness rules matter - oneself, and the nature outside and, foremost: one's own being. The one side of Engels: crystal clear. The guerilla however realises himself in the struggle, in the revolutionary action, and that means: without end: struggle until death and of course: collectively.

This is not a question of matter, but one of politics. Of practice. As you say. The question now as well as before. Today, tomorrow and so forth. Yesterday is gone. What is - now - lies first of all with you. The hungerstrike is not going to stop for a long time.

And the struggle never ends.

But
of course there is one point: when you know that with each pig victory their real aim of murder becomes more real - and you

don't take part any longer, save yourself, give the pigs a victory, which means surrender for us, then you are the pig, which splits and encircles to survive yourself, and then shut up about it. "As said, the practice. Long live the RAF. Death to the pig system." Then - I mean, when you don't hunger with us any longer - you better say, more honestly (if you still know what it is: honour): "As said: I live. Down with the RAF. Victory to the pig system."
Either pig or human being.
Either survival at any cost or struggle until death.
Either problem or solution.
In between there's nothing.
Victory or death - they say it everywhere and that is the language of the guerilla - even in the minute dimension here: with life it's the same as with dying: "Human beings (i.e. us) who refuse to finish the battle - either they win or they die instead of losing and dying."

Rather sad, that I have to write this to you again. Of course I also don't know how it is - when you die or when they kill you. How should I know? In one moment of truth one morning all this shot through my head in one go: so that's the way it is (and I didn't know until then) and then (facing the barrel, aimed at the spot between my eyes): all the same, that was it. On the right side anyway.

You should know something about that as well. All the same. Certainly everybody has to die. Question is only how, and how you've lived, and it's quite clear: struggling against the pigs as a human being for the liberation of man: revolutionary in the battle - with all love for life: despising death. That's for me: to serve the people - RAF.

Locu-Appendix 35

Appendix 35B

Dr. Klaus Croissant
Lawyer

Stuttgart, 7 February 1977

To the Court
IV 15/75
4000 Dusseldorf

Submission for evidence

In the proceedings against the prisoners from the Commando Holger Meins I, as defence counsel of Karl-Heins Dellwo, submit the application,

- 1. to summon and question the following persons in the main trial:
 - 1.1. Government Inspector Auster, prison Wittlich
 - 1.2. Andreas Baader, presently in prison in Stuttgart-Stammheim
 - 1.3. Mr. Bauer from the press agency Reuter, Moeglingen bei Ludwigsburg
 - 1.4. Lawyer Marie-Luise Becker, Heidelberg, Merzgasse 7
 - 1.5. Dr. Berroth, judge at the court in Stuttgart
 - 1.6. Federal Prosecutor Siegfried Buback, Karlsruhe
 - 1.7. Lawyer Dr. Klaus Croissant, Stuttgart
 - 1.8. Dr. med. Degenhardt at the prison in Kassel
 - 1.9. Dr. med. Demers, specialist for throat, nose and ear illnesses, Wittlich.
 - 1.10 Government Director Essmayer at the prison in Wittlich
 - 1.11 Prof. Dr. med. Rudolf Frey at the University Clinic Mainz
 - 1.12 Government Director Greus, prison Zweibrucken
 - 1.13 Wolfgang Grundmann, Frankfurt/Main
 - 1.14 Lawyer Kurt Groenewold, Hamburg
 - 1.15 Siegfried Haag, prison Frankenthal/Rheinland-Pfalz
 - 1.16 Dr. med. Jacques Hassoun, Paris
 - 1.17 Rolf Georg Hecker, Koblenz
 - 1.18 Justice Minsiter A.D., Dr. Karl Hemfler, Wiesbaden
 - 1.19 Mr. Hennig, prison warder, prison Wittlich
 - 1.20 Dr. Horst Herold, president of the Federal Criminal Office (BKA) in Wiesbaden.

- 1.21 Richard Hohwer, prison officer, prison Wittlich
- 1.22 Dr. med. Hutter from the Wittlich prison
- 1.23 Klaus Juenschke, prison Zweibrucken
- 1.24 Government inspector Koepper, prison Wittlich
- 1.25 Dr. med. Helmut Kreiter, principal doctor at the medical Clinic at the General Hospital Kaiserslautern
- 1.26 Lawyer Juergen Laubscher, Heidelberg
- 1.27 Federal judge Albrecht mayor, Federal Court in Karlsruhe
- 1.28 Prof. Dr. Werner Mende, Munich
- 1.29 Prof. Dr. W. A. Mueller, Stuttgart
- 1.30 University lecturer Dr. med. Werner Naeve, Head of the Medical Court Office of the Health Authority in Hamburg
- 1.31 Mr. Gunter Nollau, president of the Federal Office for the Protection of the Constitution A.D., Federal Ministry of the Interior
- 1.32 Lawyer Rupert von Plottnitz, Frankfurt
- 1.33 Justice Minister Dr. Dieter Posser, Dusseldorf
- 1.34 Prof. Dr. Ulrich Prouss, legal department at the University Bremen,
- 1.35 Dr. Theodor Prinzing, presiding judge at the court in Stuttgart
- 1.36 Prof. Dr. med. Wilfried Rasch, Berlin
- 1.37 Government director Ringel at the Justice Ministry of Rheinland-Pfalz
- 1.38 Lawyer Otto Schily, Berlin
- 1.39 Prof. Dr. J. Schroeder, medical superintendent at the medical clinic of the Buergerhospital, Stuttgart
- 1.40 Federal judge A.D. Scharpenseel, Federal Court in Karlsruhe
- 1.41 Mr. Karl Schutz, Federal Criminal Office in Wiesbaden
- 1.42 Dr. Tim Shallice, London University College
- 1.43 Dr. Stiefenhoefler, presiding judge at the court in Kaiserslautern
- 1.44 Dr. Folker Stoewsand, Hamburg
- 1.45 Lawyer Hans-Christian Stroebele, Berlin
- 1.46 Prof. Dr. med. Sjef Teuns, Blaricum/Holland
- 1.47 The Justice Minister of Rheinland-Pfalz, Dr. Theisen
- 1.48 Federal Justice Minister Dr. Jochen Vogel, Bonn
- 1.49 Government director Dr. Wachter, prison in Schwalmstadt
- 1.50 Federal lawyer Peter Zeiss, Karlsruhe
- 1.51 Dr. med. Zweckner, prison in Schwalmstadt
- 1.52 Government director Georg Bucker, governor of the prison

2. to include a double volume of files of the pending trial at the second Provincial Court in Stuttgart against the prisoners from the RAF.

The questioning of the above-mentioned witnesses will prove:

Holger Meins was, during the collective hungerstrike which the prisoners from the RAF carried out against the systematically destructive prison conditions in 8 prisons in the FRG from 1.9.74 to 5.2.75, systematically executed under the direction of the Federal Prosecutor Siegfried Buback and the head of the State Security Department of the Federal Criminal Office and its president Dr. Horst Herold, through conscious manipulation of the latest date for his transfer to the prison Stuttgart-Stammheim under the shared responsibility of the presiding judge Dr. Theodor Prinzing and authoritative prison officers.

The proposed hearing of witnesses will also show:

that the guerilla commando in Stockholm named itself after Holger Meins to make the meaning and the aim of its action clear to everybody: to save 26 political prisoners from further conditions of destruction and the total destruction of their political identity.

The facts to be proven reveal themselves in the following facts of the case:

From 13.9.74 until his death on 9.11.74 Holger Meins took part in a collective and unlimited hungerstrike by the prisoners from the RAF. The State Security Authorities have fought against this hungerstrike as an allegedly illegal attack on state security, as a kind of coup attempt, with a great propagandistic display with the co-operation of the mass media. This propagandistic display was not employed for the preservation of state security because the power structure of a country cannot be threatened through a hungerstrike, a peaceful and legitimate form of resistance. The reason for the huge propaganda display by the State Security authorities was exclusively to stop the enlightenment of the population through the hungerstrike, which made the missing legitimacy basis for the isolation of the prisoners from the RAF, the permanent violation of general human rights visible. Faithful to this aim the State Security

authorities have made special efforts to falsify the hunger-strike demands of the RAF prisoners and to mislead the population regarding the name of the hungerstrike by spreading the lie that the prisoners, through their hungerstrike, were attempting to thwart the realisation of the main trial and to force their release from remand imprisonment.

The truth is: With the hungerstrike the RAF prisoners fought with the only and least means available to them for the restoration of human prison conditions, for the lifting of their isolation in prison which had lasted months and years, for the removal of any form of special treatment, for their equal status with all other prisoners. With the hungerstrike the RAF prisoners fought against their destruction through long term isolation after all legal means, with which their defence counsels had tried to push through the legitimate demands of the prisoners, had failed.

It is proposed,
to hear Siegfried Haag, who had last visited Holger Meins in the prison in Wittlich, as witness to give evidence to these facts as well as the lawyers: Dr. Klaus Croissant

Kurt Gronewold
Prof. Dr. Ulrich Preuss
Otto Schily
Hans Christian Strobele.

The isolation of prisoners - practised over months and years - the construction of a second prison (within the prisons) around the prisoners, the construction of an artificial world of silence and without social contact with other prisoners is torture, which causes the destruction of psychological and physical functions and has therefore to be called torture and inhuman treatment.

It is proposed,
to question the specialists: Jacques Hassoun
Tim Shallice
Sjef Teuns

with regard to this.

The health destroying results of long term isolation have by now been established by all the medical experts which the State Security Courts in Stuttgart, Hamburg and Kaiserslautern have asked to make medical reports on the ability of the prisoners to attend their trials, a result which was to be expected with regard to the known examinations of isolation research.

It is proposed,

to question the experts: Prof. Dr. J. Schroeder
Prof. Dr. W. A. Muller
Prof. Dr. Wilfried Rasch
Prof. Dr. Mende
Head physician Dr. Krcitzer
Prof. Dr. Rudolf Frey
Dr. med. Folker Stoewsand
University lecturer Dr. Naeve

with regard to this.

The use of such torture methods is connected with the expectation of being able to present the isolated prisoners in later trials to the public, as disorientated and politically weak-minded showpieces against revolutionary politics. The lifting of isolation was therefore a question of survival for the RAF prisoners. the continuously repeated assertion that with the hungerstrike's further reaching demands than the lifting of isolation and the equalisation with other prisoners were aimed at, has been refuted by the defence counsels in a number of press conferences with the clear statement: that the hungerstrike would be stopped immediately if the justified demands for the lifting of isolation were complied with.

It is proposed,

to ask the above mentioned lawyers to appear as witnesses to this.

The people responsible for the continuous isolation confinement knew about the scientific examinations and the medical results which show what deep striking psychological and physical damage can be caused through long term isolation.

It is proposed,

to question with regard to this:

Federal Attorney General Siegfried Buback
The President of the Federal Criminal Office, Dr. Horst Herold
The Federal Judges - Knoblich, Mayer and Scharpenseel
The Presiding Judges - Dr. Prinzing, Stuttgart and Siefenhofer,
Kaiserslautern

The Minister of Justice Dr. Dieter Posser, Dusseldorf
The Minister of Justice A.D. for Hessen, Dr. Karl Hemfler,
Wiesbaden
and The Federal Justice Minister Dr. Vogel, Bonn.

The Federal Prosecution and the Federal Criminal Office were informed continuously during the hungerstrike about the conditions of health of the RAF prisoners. They, as well as the presiding judge at the Stammheim court, Dr. Prinzing, were informed through numerous urgent applications by the defence counsels that especially in the prisons Schwalmstadt and Wittlich, where at that time the prisoners Andreas Baader and Holger Meins were still held, the medical care by the prison doctors was not designed for the physical wellbeing and the life of the prisoners on hungerstrike, but was only determined to force the prisoners to break up their hungerstrike through painful procedures at the force feedings and through other measures - especially withdrawal of water. The defence counsels therefore demanded, several times, the admission of trusted doctors for the examination and treatment of the prisoners, as well as the immediate move of the male prisoners Baader, Meins and Raspe to Stuttgart-Stammheim as the force feeding there was carried out according to the rules of medical ethics.

It is proposed,

to question the witnesses Siegfried Buback and Peter Zeiss, Dr. Horst Herold and Karl Schutz as well as Dr. Theodor Prinzing with regard to this.

The defence counsel demanded especially the admission of doctors of the prisoner's own choice to examine and treat the prisoners according to no. 91 of the "uniform minimal principles

of the UNO for the treatment of prisoners from 1955/57"

which has the following wording:

"Based on a well founded application a prisoner on remand has to be given permission to be examined and treated by a doctor of his own choice if it is possible for him to pay the expenses involved."

On 6.10.74 the lawyer Dr. Croissant filed an application to allow the medical examination of all defendants in the Stammheim trial by doctors of their own choice. In the same application the defence counsel urged once again that the male defendants should immediately be moved to Stammheim. The application has the following wording:

"The doctors working in the prisons have without disagreement, tolerated or have actively taken part in the special treatment of political prisoners and their systematic isolation over many years. As integral parts of the state prison system, they neglect their medical duties and keep silent about isolation torture and brain-washing which are practised on the political prisoners to destroy their identity and blackmail them into making confessions. The prisoners therefore refuse to be examined by a prison doctor.

"The medical examination is necessary to prevent the increasing danger to the body and lives of the prisoners.

"Because of the extreme urgency we request a decision on the application according to 33, Para. 4, Clause 1 StPO without a preceding hearing in the presence of the State Prosecutor.

"The examining judge has already - on account of special urgency - ordered the force feeding of all prisoners without a preceding hearing in the presence of the defence counsel. A photocopy of the examining judge's decision, dated 27.9.74, is attached. After receipt of the indictment the trial court is responsible for making a decision on this application. For the examination of the prisoners doctors of their own choice are being named:

1. Dr. med. Jacobeit, specialist for internal medicine, Medical University Clinic, Heidelberg
2. Dr. Med. Ernst Pickardt, specialist for internal medicine, Cologne

"3. Dr. Med. Juergen Schmidt-Voigt, specialist for internal medicine, Bad Soden

4. Prof. Dr. med. Lange, specialist for urology at the University Clinic in Marburg

5. Dr. med. Burger Lichtenstein, Tubingen-Derondingen

6. Dr. med. Helmut Beilharz at the hospital in Boblingen

"For the prisoner Raspe, it has to be pointed out that the prison doctor, Dr. Bechtel, at the prison in Cologne as well as his predecessor, Dr. Gotte, did not protest against the brain-washing wing into which Ulrike Meinhof was moved 3 times (the first time for the length of 8 months), but he has instead given it the air of legality through his medical work in the psychiatric wing of the prison in Cologne.

"With regard to the prisoner Baader, I refer for further reasons for the application to the attached photocopy under Appendix 2: the application by lawyer Strobele from 23.9.74, to the report in Kursbuch no. 32 (compare page 94-95, appendix 3) as well as to the press statement from 18.9.74 - photocopy Appendix 4.

"While the prisoners Gudrun Ensslin and Holger Meins have been forcefed daily since 30.9.74 and the prisoner Jan Carl Raspe since 2.10.74, the defendant Baader was on Friday, 4.10.74 examined forcibly by the prison doctor Dr. Schaefer (prison Kassel) under threat of physical violence.

"Physical resistance against this examination, which would have included a forcible use of a catheter, was totally impossible for the defendant: 3 medical staff (warders) were present to help the prison doctor to strap the emaciated prisoner down by force on a special table which was equipped with 2 straps for the chest, 4 straps for each arm, 2 straps for each foot and one wide strap for the head.

"The forcible medical examination was not covered by the decision of the examining judge from 27.9.74: this decision only declares the force feeding as admissable, insofar as the prison doctor regards it as necessary. If the prison doctor was not able to decide whether force feeding was necessary without preceding medical examinations (measuring of blood pressure, taking of urine, taking of blood amongst others), then he was not allowed to undertake unauthorised medical

"examinations under threat of force in case of resistance.

"Because of this breach of the law we have brought a charge against the prison doctor Dr. Schaefer on account of coercion (copy appendix 5).

"The prevention of further breaches of the law is connected with considerable practical difficulties for the defence counsels and the court because the different prisons are far apart from each other. The transfer of the prisoners to Stuttgart is therefore an unavoidable necessity of welfare duty which is the task of the court for all prisoners.

"As long as the hungerstrike continues, and it will continue as long as the justified demand for abolition of special treatment has not been fulfilled, the dangers to body and life can only be reduced through a move to the prison Stuttgart-Stammheim, where their trial is taking place - apart from the admission of the doctors of their own choice.

"It is therefore proposed, to request a decision without any further delay and further waiting for eventual statements by the Federal Prosecutor and the prisons on the complaint from 5.6.74 against the negative decision by the examining judge, which has been passed onto the court.

"It must be noticed that this decision has still not been made after 4 months now, and this despite the obvious urgency which exists according to the presented reasons. This shows that it is in reality the Federal Prosecutor and his auxiliary organs, the officials of the State Security department at the Federal Criminal Office who, through the pretence of alleged security considerations, are determining the date of transfer best suited to them. This date is obviously meant to be as near as possible to the starting date of the main trial, so that a most effective defence and the achievement of a common defence strategy can be prevented as far as possible.

"We request once again, to stand up now, to this penetrating attempt by the Federal Prosecutor through an unmistakable judicial decision.

signed Croissant"

It is proposed, to establish the existence of this document in the files of the Stammheim trial and to hear lawyer Croissant and Dr. Prinzing as witnesses.

With the application by lawyer Dr. Croissant from 6.10.74 the defence application by lawyer Strobele from 23.9.74 was put before Dr. Prinzing, which included the application to allow the medical examination and - if necessary - the medical treatment of the prisoner Baader by the specialist for urology, Prof. Dr. Lange, at the University Clinic in Marburg. The reasons for this application were as follows:

"At the beginning of June 1973 the accused suffered a kidney disease after 5 weeks on hungerstrike in the prison Schwalmstadt, as a result of having been refused drinking water for 10 days.

"The doctor, Dr. Seibold, diagnosed during a medical examination on 1.6.73 pressure and tapping pains in the area of both kidneys and in the lumbosacral area. On 12.6.73 a clear microhaematury was identified and on 15.6.73 masses of erythrocyten were discovered in the urine. An appropriate treatment was started immediately.

"In the middle of September 1974 the accused again suffered considerable pain in the kidney area.

"The accused has been on hungerstrike since 10.9.74 to achieve for himself and other political prisoners the abolition of special treatment after more than 2 years of isolation.

"The examination by a specialist is urgent and must be carried out as quickly as possible. Every delay can result in the most severe damage to his health, in view of his illness in the summer of 1973. The proposed admission of the external doctor, whom the accused does not trust, is justified and necessary.

"After his experiences in the spring and especially in the summer of 1973 the accused quite rightly has no trust in those doctors chosen by the prison authorities to treat him. This matters especially as he is again on hungerstrike. Dr. Degenhardt from Kassel, who had been asked by the prison to

"attend to Baader, had on 22.5.73 carried out the force feeding in a way which was very painful for the accused even though the accused had consented to drink the nourishment fluid.

"The accused has therefore brought a charge against the doctor. The lawsuit, which was instituted as a result, was dismissed but only because there was allegedly no evidence against the doctor to show that he had heard this statement by the accused, (dismissal decision by the Public Prosecutor at the Court in Marburg, 4.12.73, ref.: 4 Js 475/73).

"This Dr. Degenhardt from Kassel, who had been consulted by the prison, had also recommended and ordered that the accused should not be given any drinking water to 'bring to his consciousness the stupidity of his behaviour'.

"With this he has consented to, and ordered, an interference in his health which was not meant to sooth pain and to cure but to inflict pain on the accused, to torture him with the aim of breaking his will.

"The lawsuit brought against this doctor because of his behaviour has in the meantime also been discontinued.

"After this the accused refuses on principle to be examined and treated by a doctor consulted by the prison.

"The doctor Prof. Dr. Lange has expressed his readiness to examine the accused.

"I request to make an immediate decision because of the health risks. The prison governor has received a copy of this application with the same mail.

signed Strobele"

It is proposed,
to establish the entry of this document into the files of the Stammheim trial and to hear lawyer Strobele and Dr. Prinzing as witnesses with regard to this matter.

With the application of 6.10.74, the presiding judge at the 2nd criminal court in Stuttgart received a report about the

withdrawal of drinking water, written by several lawyers, which was published in Kursbuch no. 32 on torture in the FRG.

With the application, dated 6.10.74, the presiding judge Dr. Prinzing also received the press statement by the defence counsels from 18.9.74 which states amongst others:

"The State Security Department at the Federal Criminal Office and the Federal Prosecutor know also that numerous prison doctors firmly reject the deprivation of drinking water. One of these is the senior doctor at the prison Stuttgart-Stammheim principal medical officer Dr. Henck. The transfer of Andreas Baader, Holger Meins and Jan Carl Raspe to Stuttgart-Stammheim, which had been planned for a long time, has been delayed until now because security considerations would not allow this transfer. In reality these considerations are just a pretext: All security problems had been solved since Gudrun Ensslin and Ulrike Meinhof were moved to Stuttgart-Stammheim at the end of April 1974. The real reason is that by not moving the prisoners - apart from the practical obstacles put in the way of the defence counsel - the possibility can be created of breaking up the feared third hungerstrike in a prison which is prepared to accept the death of the prisoners as a result of dying of thirst. The prison in Schwalmstadt is predisposed after the concrete experiences of the last hungerstrike to practise the withdrawal of water despite the threatening death of Andreas Baader.

"The fascist agitation by the Springer press tries with all means to secure such attempted murder with propagandistic methods: they once again refer to write 'Baader gang', the 'cowardly and cunning Baader' or about Andreas Baader and Gudrun Ensslin who were formerly 'drifting through the FRG burning and killing'. (Bild am Sonntag on 1.9.74)

"The same press statement had already been in the possession of the Federal Prosecutor and the Federal Criminal Office, as all press statements by the defence counsels in the Stammheim trial were systematically collected by the State Security Authorities via their freelance assistants.

"It is proposed, to question the president of the Federal Criminal Office, Dr. Horst Herold and the former president of the Federal Office for the Protection of the Constitution, Gunter Nollau, as witnesses with regard to this.

"On 7.10.74 the defence counsels through lawyer von Plottnitz submitted an application for Holger Meins:

- 1) to prohibit the prison doctors at the prison in Wittlich who are responsible for the force feedings from using tubes with a bigger diameter than 16 Charrieres at the force feedings (unit of measure for flexible tubes or catheters),
- 2) to prohibit the prison doctors, or the administration of the prison, from withdrawing water from Holger Meins during his hungerstrike.

"The application contained - in part - the following reasons:

'Since 30.9.74 the accused has been forced fed daily in the prison Wittlich. The force feeding takes place in such a way that he is at first strapped down on a table with several leather straps. Then a tube, about the size of a thumb, is inserted through his throat and gullet into his stomach, through which finally the mash is pumped through. Because of the thickness of the tube, during the force feeding, the mucous membrane of his throat and his gullet are constantly traumatised which leads to cramps so that parts of the food are being pumped back. This often causes a blockage of the windpipe which results in agonising suffocation attacks and carries the real threat of death through suffocation.

'The above stated method and manner of the force feeding which had already been practised on the accused during the last year when he was also on hungerstrike, shows quite clearly that the aim is to force the accused through a torturous procedure during force feeding to break off his hungerstrike. It is not the worry about the health and physical well-being of the accused they are concerned with, but the endeavour of hindering the accused from carrying out the only resistance possible for him against unbearable prison conditions.

'On the other hand it has to be stated that the only legally permissible objective for force feeding can be to save the accused from death through starvation. For this reason alone it should be the duty of those prison doctors responsible for carrying out force feedings, that they do it with the medically most considerate means. This includes first of all the use of tubes which are common in the medical field for artificial feedings and where the danger of injuries or traumatisation of mucous membranes can be kept to an absolute minimum. In the area of medical care, tubes with a diameter of 14-16 Charrieres are being used for artificial feedings which can also be inserted through the nose.

'The quite obvious attempt to force the accused through the practised method and manner of force feeding, to break off his hungerstrike finds no legal basis in the criminal code. The legal viewpoint of "order in the prisons", 119 Para. 3 StPO, also cannot justify the use of any kind of force through which a prisoner is meant to be forced to break off a hungerstrike. Because as prison rules in the sense of 119 Para. 3 StPO, only the outer limits of the prison can be defined as necessary for the execution of the remand imprisonment of a remand prisoner. Through the hungerstrike of the accused this outer limit is not being touched in any way.

'A judicial decision according to the 2nd submitted application is necessary insofar, because the measure of withdrawal of water is suspected in view of earlier experiences. Because of their legal inadmissibility the above mentioned explanations can be referred to. The dangers to the life or the physical entirety of the accused connected with the measure of the threatened withdrawal of water, need no discussion, especially in view of a kidney failure.

'Because of the obvious urgency of the above mentioned judicial orders we request also a decision on the applications according to 33 Para. 4, p.1 StPO without preceding hearing of the Federal Prosecutor.

signed von Plottnitz'

It is proposed, to establish the entry of this document into the files of the Stammheim trial and to question lawyer von Plottnitz and Dr. Prinzing as witnesses with regard to this matter.

The application by the defence counsels from 6.10.74 to agree to an examination by doctors of the prisoners own choice and to move the male defendants to the prison Stuttgart-Stammheim, were rejected by the presiding judge Dr. Prinzing and the assessors Dr. Foth and Dr. Berroth on 14.10.74 or - as far as the transfer of the male prisoners to the prison Stuttgart-Stammheim had been applied for, no decision was made at all.

The decision from 14.10.74 gave the following reasons for rejection:

"The defendants are on hungerstrike, but refuse to be examined by the authorised prison doctors. They demand the admission of 'doctors of their own choice'.

The defendant Baader is presently a convicted prisoner and therefore the court is not competent to make decisions in his case (compare court decree, dated 8.10.74 - 2 ARs 27/74).

"In view of the other defendants the application does not prove that the doctors in the various prisons are neglecting their duties or are not aware of their responsibilities. For the defendant Meinhof the court has already come to a decision (compare decree, dated 4.10.74 - a ARs 22/74). For the defendants Ensslin, Meins and Raspe, for whom no new facts have been presented, the same applies.

"The court would also like to point out that it is not in the habit to make decisions on applications which include defaming formulations.

signed Dr. Prinzing Dr. Foth Dr. Berroth"

The defence counsels through lawyer von Plottnitz brought an action on 15.10.74 against the doctor in the prison Wittlich, accusing him of inflicting bodily injury while on duty. It gave the following reasons:

"As prison doctor in the Wittlich prison the accused is responsible for the way in which force feeding is being conducted. The force feedings are being carried out daily under his personal instructions and participation. As a doctor it should be the duty of the accused to conduct the force feeding as an artificial feeding according to the rules of medical ethics - as caring as possible for the defendant. This would first of all mean the use of the kind of tube which is being used in hospitals when feeding patients artificially. Their diameters are constructed in such a way that the danger of tearing and of injuries of the throat and gullet mucous membranes are avoided as far as possible. The diameter of the tubes used in the medical field is between 14 and 16 Charrieres and they are as a rule inserted through the nose.

"Compared to this the accused uses a tube which is only slightly thinner than the gullet of the defendant and the insertion of this kind of tube into his throat is aimed at forcing the defendant to break off his hungerstrike by inflicting pain and agony on him during the daily procedure of force feeding. The accused is willing to put up with severe risks to the life of the defendant. Because of the convulsions which occur during the force feeding procedure and which so far have not led to a discontinuation or to a changed method of this procedure, the constant danger of suffocation or respirative paralysis exists.

"The accused also tolerates further torment of the defendant which is inflicted by some of the prison warders present at the force feedings. At some of the force feedings the leather straps and handcuffs which are used to strap down the defendant, have been pulled so tightly that the defendant had severe pain and the blood circulation was impaired. One of the prison warders present at the force feedings presses the head of the defendant so hard against the head rest that he incurs considerable pain - without being reprimanded by the accused.

"Neither in the criminal code nor in any other legal orders is there a judicial basis for the described behaviour of

"the accused. The behaviour of the accused is not determined by a concern for the physical well-being of the defendant but is quite obviously aimed at forcing the defendant to break off his hungerstrike.

"Since 16.9.74 over 40 political prisoners are on hungerstrike in several prisons in the FRG and W. Berlin. As far as force feeding has been started - and as far as we are informed - force feeding has only in one further case been conducted in such an agonising way as in the case of Holger Meins. This concerns the remand prisoner Ronald Augustin, who is imprisoned in Hannover. In the case of the remand prisoner Augustin a paralysis of the respiratory muscular system has already occurred once. The lawyer of this defendant has also brought an action.

"We suggest to question the accused immediately after receipt of this indictment with regard to the charges according to 133 StPO because only this will make it possible to prevent the accused from inflicting further bodily injuries on the prisoner in the future.

"We request further you inform us immediately of the reference number of the preliminary proceedings which will be instituted on account of this charge. As the prisoner intends to appear as co-plaintiff in the criminal proceedings against the accused we also request you inform us on your own accord about the progress of the inquiries.

signed von Plottnitz"

On 15.10.74 a copy of this charge was sent to the presiding judge Dr. Prinzing with a covering letter, by the lawyer von Plottnitz. In the covering letter it was proposed:

- 1) to prohibit the doctor in the Wittlich prison, Dr. med. Hutter, immediately from carrying out any medical activity with regard to the defendant Meins,
- 2) to allow a doctor who has the trust of the defendant Meins, to be present at future force feedings by other doctors employed by the state Rheinland-Pfalz.

The reason for this application reads as follows:

"In the interest of the physical well-being of the defendant a judicial decision with regard to the above mentioned charges, as well as to our application, dated 7.10.74, is now imperative. Because of the requested presence of a doctor of his own choice we refer to the application already made by the co-defender, Dr. Klaus Croissant.

"We also request to be informed of what kind of nutritious components the nutriment liquid consists of which has so far been used for force feeding and how much of this the defendant has been given at the daily force feedings.

"We attach a written declaration by the defendant in which he absolves Dr. med. Hutter from his medical professional discretion towards us.

signed von Plottnitz"

All the relevant documents were not only sent to the 2nd criminal court in Stuttgart, but were also either passed on by telephone or copies were sent immediately to the Federal Prosecutor.

It is proposed, to hear the witnesses Siegfried Buback, Peter Zeiss and Dr. Prinzing with regard to this matter as well as establishing the existence of the significant documents in the files of the Stammheim trial.

Even though these facts were known the presiding judge Dr. Prinzing did not order the examination of the defendant by a doctor of his own choice. The examination by trusted doctors for all defendants had been refused by the 2nd Criminal Court on 14.10.74. Following the application, dated 7.10.74, by the lawyer von Plottnitz, to use only nose tubes with a certain diameter at the force feedings it was merely decided on 22.10.74 to use a tube at force feedings which could be inserted through the nose. The other points were rejected.

The reasons for this decision were as follows:

"The defendant is being force fed. According to the prison doctor a 12 mm strong tube is being used which is inserted through the mouth. A thinner tube could be used but would have to be inserted through the nose. The prison does not see itself in a position where the medical and nursing staff are able to do this. According to the Government medical officer Dr. Lang, who has ordered a tube which is inserted through the nose for the prison in Stuttgart-Stammheim, this is a common method. A specialist is not necessary for this. According to the requirements of

119 Para. 3 StPO the more considerate method should be chosen, when this is possible. That is the case here. The provision of the necessary medical staff is left to the prison administration. Organisational problems do not, as a rule, stand opposed to a legally advisable directive.

"The other points in the application from 7.10.74 are not substantiated. It is not up to the court to give instructions to the doctor on the quality of the tube he is using, its strength and such like. Drinking water is not being denied to the defendant; a directive for this is not necessary.

signed Dr. Prinzing Maier Dr. Berroth"

With regard to the further application by the defence counsel, dated 15.10.74, to prohibit the doctor at the Wittlich prison from any further medical activity in connection with the treatment of Holger Meins, to allow a doctor of his own choice to be present at future force feedings and information about the exact amount of nutriment given to Holger Meins neither the presiding judge Dr. Prinzing nor his deputy Dr. Foth made any decisions, despite the obvious urgency for judicial intervention.

It is proposed,
to question Dr. Theodor Prinzing as witness with regard to this matter.

Not until 21.10.74 did the 2nd Criminal Court decide on the complaint, dated 5.6.74, which the defence through the lawyer Dr. Croissant had lodged against the decision of the examining judge. In this decision the transfer of the male prisoners to Stuttgart-Stammheim had been refused. To decide on the complaint the court had taken 4 1/2 months, although the defence counsels through lawyer Dr. Croissant had pointed out on 3.7.74 the extreme urgency of the transfer as follows:

"We assume that the complaint has by now been passed on to the court for a decision.

"With regard to the explanations in the written complaint the transfer for an orderly preparation of the defence cannot longer be drawn out.

"The impression should therefore be avoided that the Federal Prosecutor's Office and its auxiliary agencies, especially the State Security Department of the Security Group in the Federal Criminal Office are making the decision about the transfer and the police exercise involved in this.

"A copy of our complaint is attached, in case that it has not yet been passed on to the examining judge.

signed Croissant"

The court decision about the transfer, finally passed on 21.10.74, was officially given to the defence counsels only after the death of Holger Meins. It stated:

"The defendant Baader is to be moved to the prison Stuttgart-Stammheim in the week after 2 November 1974 at the latest, the defendants Raspe and Meins at the latest up until 2 November 1974.

signed Foth Maier Dr. Berroth"

With regard to this transfer decision the Federal Prosecutor wrote the following to the court on 24.10.74:

"For the accomplishment of an orderly transfer I propose - according to the usual practice when moving these defendants - to make the following arrangements:

"In view of the heightened danger of escape, the known liberation plans of members of the criminal groups and the behaviour of the accused so far, the defendants should be strapped down during the transfer.

"The transport of the defendant will be carried out by members of the Federal Criminal Office. I request therefore to inform the governor of the prison in Wittlich to hand over the defendant Meins to the officials who are responsible for his transport, and to inform the governor of the Stuttgart prison to receive him.

"As a preceding hearing of the defendant could endanger the objective of the instruction I request to abandon this according to 33 para. 4 StPO.

"The transport of the defendant will need thorough preparations and security measures. I must therefore point out now that the transfer dates mentioned above cannot be adhered to. But I will try to expedite the matter as quickly as possible.

signed I.A. Zeiss"

It is proposed,
to question Federal Prosecutor Siegfried Buback, Federal Attorney Peter Zeiss as well as Dr. Theodor Prinzing as witnesses with regard to this matter.

The statement in the letter by the Federal Prosecutor, dated 24.10.74, that the transfer dated could not be adhered to because of "thorough preparations and security measures" is an obvious lie. In reality the Federal Criminal Office had all material and personnel means available to carry out the transport with no effort, within the given time.

It is proposed,
to question Siegfried Buback, Peter Zeiss, Dr. Horst Herold and Karl Schutz as witnesses with regard to this matter.

This is also demonstrated by the transfer of Gudrun Ensslin and Ulrike Meinhof who were already moved in April 1974 to the Stuttgart-Stammheim prison, the place of their trial.

After receiving the letter from the Federal Prosecutor, dated 24.10.74, the 2nd Criminal Court in Stuttgart extended the latest transfer date for the defendants Meins and Raspe for a further 2 days until 4.11.74, as the assisting judge Dr. Berroth confirmed to the journalist Bauer from the Reuter agency.

It is proposed,
to question the judge Dr. Berroth and the journalist Bauer from the Reuter agency with regard to this matter.

But the date of 4.11.74 was also not kept by the Federal Prosecutor and the Federal Criminal Office, neither Holger Meins nor Jan Carl Raspe were transferred to Stuttgart-Stammheim.

On 4.11.74 the force feeding of Andreas Baader was stopped. The defence counsels therefore submitted the following application through lawyer Dr. Croissant on 7.11.74:

1. to instruct the Federal Prosecutor or the State Security department at the Federal Criminal Office, to carry out immediately the transfer of the prisoners Baader, Meins and Raspe, which had already been ordered several weeks ago by the court, to the prison Stuttgart-Stammheim,
2. to order the examination of the prisoner Baader by at least one doctor of his own choice - as named in the application, dated 6.10.74."

The application contained the following reasons:

"Andreas Baader has been a remand prisoner since 1.11.74. The court is therefore without any doubt qualified to make the proposed decision also on his behalf.

"The proposed decision is necessary to prevent the death of the prisoner. Government director Wachter from the prison in Schwalmstadt has ordered the suspension of the force feeding of the prisoner on the same day on which Jean Paul Sartre had submitted his request for a visit to Andreas Baader. The defence counsel does not regard this noticeable timely coincidence as an accident.

"Already during the last hungerstrike in May/June 1973 the prison administration in Schwalmstadt and the doctor Dr. Degenhardt, senior doctor at the prison hospital in Kassel,

"have withdrawn Andreas Baader's drinking water. Through this calculated attempt of murder, the kidneys of the prisoner have been severely damaged: they are only functioning at a quarter of their capacity.

"The force feeding during the hungerstrike now taking place was only carried out irregularly every 2 days. This resulted in the prisoner constantly losing weight.

"Government director Wachter has justified his order to stop the force feeding with the remark by the prison doctor Dr. Zwecker, that further force feedings would not prevent chronic malnutrition. Government director Wachter remarked to Andreas Baader that if he was lying in a coma he would review the situation.

"In view of this situation the proposed admission of a doctor of his own choice is unavoidable, its extraordinary urgency obvious.

signed Croissant"

On the same day, shortly after receipt of the application and after Dr. Croissant had issued an appropriate press statement, Andreas Baader was moved by the State Security Department of the BKA, even though he should have been moved as the last person according to the court decision from 21.10.74. With regard to the defence application from 7.11.74, lawyer Dr. Croissant received the following letter from the presiding judge Dr. Prinzing on 8.11.74:

"In reply to your letter from 7.11.74, I inform you that the accused Baader has now been moved to the prison Stuttgart-Stammheim. Meins and Raspe will also be moved within a reasonable space of time. As the conditions of medical care are different in the prison Stammheim then in Schwalmstadt, the court assumes that your application from 7.11.74 is now out of date.

"The court will spare itself the trouble of discussing the suspicions expressed in your letter with regard to the visiting application by Mr. Sartre.

signed Dr. Prinzing"

It is proposed, to summon Horst Herold, Siegfried Buback, Karl Schutz, Government director Wachter, Dr. med. Zwecker, Dr. med. Degenhardt and Dr. Prinzing as witnesses with regard to this matter.

The aim of the suspension of the force feeding of Andreas Baader was to cause either the death of this prisoner or the destruction of his political identity. If he was the first to be moved to Stammheim - contrary to the judicial decision - then it was only for the reason that the plan for his liquidation had become public on 7.11.74 through the press statement which had been passed on by telephone to the press agencies by Dr. Croissant several hours before his transfer.

It is proposed, to summon lawyer Dr. Croissant, Siegfried Buback, Dr. Horst Herold and Karl Schutz as witnesses with regard to this matter.

The interest of the State Security Authorities in the death of such prisoners, which they regard as "leaders"; Federal Prosecutor Buback has expressed in an interview which was published in February 1976 in the news magazine "Der Spiegel". He stated:

"for some 5 defendants in Stuttgart were already too many".

It is proposed, to question Federal Prosecutor Buback as witness with regard to this.

On Friday, 8.11.74 Holger Meins phoned the lawyer Laubscher in Heidelberg, on the late afternoon from Wittlich prison, and told him that he was in a very bad state of health. He said: "I cannot get up any more". According to the impression of lawyer Laubscher, Holger Meins had considerable difficulties in speaking clearly and to concentrate himself.

It is proposed, to question lawyer Laubscher, Maerzgasse 7, 6900 Heidelberg, as witness with regard to this matter.

Because of this phone call by Holger Meins the lawyer Haag drove to Wittlich on Saturday morning, 9.11.74. He arrived there shortly after 11.00 a.m. After Haag had been recorded into the visitors book a prison security official appeared after a certain time and explained that Holger Meins "allegedly" could no longer walk from his cell to the visitor's cell. By using the word "allegedly", the security official obviously wanted to give the impression that the prisoner Meins was only faking. With regard to the information by the security officer Haag requested he conduct his talk with the prisoner Meins in his cell. This was refused him by the security officer with the explanation that nobody was allowed to go into the cell of Holger Meins without permission by the prison governor and the Ministry of Justice. On the strength of that Haag stated that he would not leave the prison before speaking to Holger Meins. The security official finally agreed to contact the prison governor. As a result of this inquiry he then explained to Haag that the prison governor was not allowing the lawyer to see Holger Meins in his cell, for "security reasons". After trying unsuccessfully to motivate the prison officers present to inform the Ministry of Justice in Mainz and the emergency services in Karlsruhe, Haag left the prison and phoned Dr. Croissant in Stuttgart. A phone call from the prison had not been allowed with the reason that it was not possible to settle the costs for the phone available on Saturdays.

It is proposed,
to question Government Director Essmayer and the Security Inspector Auster with regard to this matter.

At around 12.00 a.m. Haag informed lawyer Dr. Croissant, by phone, about the situation. He asked him to contact the judge immediately and to submit the following application:

1. to order the Wittlich prison that the lawyer's visit can take place in Holger Meins's cell,
2. to order immediately that a doctor of his own choice can visit Holger Meins in prison.

It is proposed,
to question Siegfried Haag, prison Frankenthal as well as lawyer Dr. Klaus Croissant, Lange Strasse 3, 7000 Stuttgart 1, as witnesses with regard to this matter

It was not possible for Dr. Croissant to make immediate contact by phone with Dr. Prinzing. He had requested at the beginning of the hungerstrike to have Dr. Prinzing's private phone number for urgent calls, but this had been refused by Dr. Prinzing who told him that he could get in touch with him via the court office. Croissant therefore had to ring there first which meant that much valuable time was lost. At first he got hold of an official named Ginger. Dr. Croissant explained to him that he must ring Dr. Prinzing on a very urgent matter as the life of one of the defendants was in danger, and to arrange for him to call back. The official replied that he would not take orders from Croissant. Only after a long conversation did lawyer Croissant manage to convince the official that it was his duty to comply with his request. The official then replied that he first had to ask his superior, a Mr. Stimpfig. Croissant had to phone back a second time after 15 to 20 minutes and remind them once again about the urgency of his getting in touch with Dr. Prinzing. At about 12.30 p.m. Dr. Prinzing finally rang Dr. Croissant who described the situation to him and drew his attention especially to the fact that the condition of Holger Meins was now extremely critical and that he was not able to walk any more, but that lawyer Haag had not been allowed to enter his cell for allegedly security reasons. Dr. Prinzing explained that he was not able to verify the mentioned security considerations. Dr. Prinzing was furthermore annoyed that Croissant rang him on a Saturday. He explained that he was fatigued by the Baader-Meinhof trial which took place five days a week and that he needed the weekend to relax, to be able to concentrate himself on the coming week. In future he would make sure that nobody could get in touch with him at the weekend. Croissant replied that it was Dr. Prinzing's duty and responsibility to

1. make sure immediately by phoning the prison that lawyer Haag could see Holger Meins, that a simple phone call by him would be sufficient
2. order in this situation that Holger Meins should immediately be seen by a doctor of his own choice.

To this Dr. Prinzing explained that it had already been decided that doctors of the prisoners choice would not be allowed to see the 5 defendants and that it had to stay like that. Would

Dr. Croissant please advise Meins to stop his hungerstrike and to eat again. When Croissant pointed out to him that an action had already been brought against the prison doctor for serious bodily injury and serious neglect of his medical duties, that Dr. Prinzing had a copy of this charge and that it was in his power to change the decision, Dr. Prinzing explained that he could not do this on his own, that only the court was able to do this. But that it would not be possible to assemble everybody now and Croissant should try to contact the standby judge. When Croissant once again pointed out to him that none other than he himself was authorised and able to act quickly and effectively, Dr. Prinzing promised to phone the Wittlich prison if Holger Meins's situation was critical. After about 10 minutes Dr. Prinzing informed Croissant by phone that lawyer Haag was presently visiting the prisoner. An indication that the condition of Holger Meins was getting worse was not given by Dr. Prinzing.

It is proposed,
to question lawyer Dr. Klaus Croissant and Dr. Prinzing as witnesses with regard to this matter.

Haag had returned to Wittlich prison after his first phone call with Croissant. There he was told that the visit could be conducted in such a way that Holger Meins would be brought to the administration wing on a stretcher and that the visit could take place there. This procedure had been agreed to by the Ministry of Justice, the prison governor and Holger Meins. Shortly after 13.00 p.m. Holger Meins was carried into the visiting room on a stretcher. He was lying on a stretcher with his eyes closed, his body emaciated to a skeleton. His condition was extremely critical. During his talk with Holger Meins, Haag's conviction strengthened that Holger Meins's life was in imminent danger. Holger Meins showed him his body. He had put toilet paper and paper handkerchiefs into his trousers to hold up his trousers add to prevent the belt from cutting into his hip bones. His talk with Haag was very laborious because most of the time he was only able to whisper. Haag had to press his ear onto Holger Meins's mouth to understand anything at all. Holger Meins managed only sometimes, by pulling all his strength together,

to manage a slightly louder sentence. Holger Meins asked him urgently not to leave him alone and Haag stayed at his side. After Holger Meins's condition deteriorated continuously Haag left him at 15.00 p.m. to try for immediate medical aid, to get intensive treatment started for saving his life. Between 15.00 and 15.15 p.m. Haag talked to the prison security officer who informed him that the deputy governor had left the prison and that the prison doctor was away travelling and would not return before Monday. Haag pointed out that Holger Meins was dying and that immediate aid was necessary. The security officer did not respond to this but replied instead that Holger Meins had been able only yesterday to go to the telephone and that a doctor saw him every day. It was quite impossible that anything could happen, and should a case of emergency occur, which the medical orderly in the prison hospital would be able to ascertain, then the emergency doctor in the town would be called.

It is proposed,
to call Siegfried Haag as well as the witness Auster with regard to this matter.

When Haag realised that the people in charge of the prison were not present or not reachable he left the prison and reported to Croissant by phone of what was happening.

As Croissant was no longer able to reach the judge by phone, Haag dictated a letter by phone, addressed to Dr. Prinzing, in which he was asked to act immediately to save the life of Holger Meins. The letter had the following text:

"I have today, Saturday 9.11.74, visited the prisoner Holger Meins in the Wittlich prison.

"Since 13.9.74 Holger Meins and 35 other political prisoners have been on hungerstrike against isolation and special treatment, against their destructive imprisonment which is aimed at destroying their revolutionary identity. Their destructive prison conditions are still continuing.

"Holger Meins weighs less than 42 kilograms, he can no longer walk, he can hardly talk. He is dying. At the latest he will be dead in 2 days. You are responsible for his death because

"you are determining the conditions of his imprisonment.

"Your responsibility stays with you even if you should phone the prison in Wittlich and should get information about his condition from there.

"The fact is that in Holger Meins's case the destructive conditions of confinement are aimed at his death through slow starvation.

"You have known from the beginning of the hungerstrike that it will be ended when the isolation and special treatment have been stopped. You are therefore fully aware of your responsibility.

"Allow the immediate presence of one of the trusted doctors mentioned in our letter, dated 6.10.74. As a further doctor I name Dr. Christof Locherback, 7401 Talheim, Romerweg 5.

For lawyer Haag
signed Marieluise Becker"

That letter was taken personally by the lawyers Becker and Croissant to Dr. Prinzing's private flat as it might have taken more time on a Saturday to send it by telegram. Dr. Prinzing came to the garden gate to receive the letter after Croissant had explained to him via his intercom "I must speak to you at once. Holger Meins is dying." He was informed verbally about the content of the letter when he received it. Marieluise Becker as well as Dr. Croissant pointed out to him that he was able to prevent the death of the prisoner. They insisted that a doctor trusted by the prisoner be admitted. They referred to the application by the defence counsel, dated 6.10.74, in which 6 doctors, amongst them leading authorities, whose specialist knowledge was above all doubt, had been named. It was explicitly pointed out to Dr. Prinzing that Dr. Jurgen Schmidt-Voigt should be asked to come. This doctor had given a medical report on Astrid Proll, who as a result of being imprisoned in the empty wing of the women's psychiatry in the prison in Cologne where she had also been subjected to acoustic isolation, had been tortured to such an extent that she had become unfit for imprisonment and had had to be released. The demand by the defence lawyers to consult the trusted doctor was

denied despite the extremely critical condition of Holger Meins with the remark that Astrid Proll had gone underground after her release.

It is proposed,
to question the lawyers Marieluise Becker and Klaus Croissant as well as Dr. Prinzing as witnesses with regard to this matter.

At the time when the lawyers Becker and Croissant were talking to Dr. Prinzing, Holger Meins had already died. The doctor who had been called at 4.00 p.m. by a prison officer could, at 17.15 p.m. only establish the death of Holger Meins.

Holger Meins was 1,84 m tall and when he died his weight was down to 39 kg. He died through slow starvation.

Holger Meins had left the following declaration with his defence counsel Croissant:

"Wittlich, 9.3.74

Should I ever die in prison then it was murder - no matter what the pigs will maintain. I will never kill myself, I will never give them any pretext. I am not a Provo and not an adventurer. If they say - and there are indications for this - 'suicide', 'serious illness', 'self defence', 'trying to escape' don't believe the lies of the murderers.

Meins"

It is proposed,
to question lawyer Klaus Croissant as witness with regard to this matter.

If Dr. Prinzing had ordered immediately after the phone call which he had with Croissant on 9.11.74 at about 12.30 p.m., that Holger Meins be examined at once - if necessary by an emergency doctor - Holger Meins could have been taken at once to the intensive care unit at the University Clinic Mainz and could have been saved. This has been confirmed by Prof. Dr. Frey at the Anaesthesia unit at the University Clinic Mainz, to Croissant

when he was visiting the prisoners Grundmann and Junschke who had been taken there.

It is proposed,
to question Prof. Dr. Rudolf Frey from the University Clinic Mainz as well as lawyer Dr. Croissant with regard to this matter.

But his life could have been saved with absolute certainty if Dr. Prinzing had insisted the Federal Prosecutor adhere to the given transfer dates to the prison Stuttgart-Stammheim, which at first was 2.11.74 and which had then been extended to 4.11.74 at the latest. But Dr. Prinzing submitted himself to the orders of the State Security Authorities even though he was informed since the beginning of October about the insufficient conditions of medical treatment given to Holger Meins. At the same time Dr. Prinzing neglected to inform himself during the hungerstrike, until the death of Holger Meins, of the prisoner by the prison doctors.

It is proposed,
to question Dr. Prinzing as witness with regard to this matter.

In the indictment by lawyer von Plottnitz from 19.11.74 the behaviour of Dr. Prinzing is described as follows:

"In view of the information he received at lunchtime on 9.11.74 about the physical condition of the murdered Holger Meins, the accused Dr. Prinzing should - certainly under the aspect of his judicial welfare duty - have felt obliged to immediately take judicial measures for the medical care of Holger Meins. There is no doubt at all that measures for the preservation of the health and life of a remand prisoner who is in danger of dying are part of the judicial welfare duty. It was therefore the legal duty of the accused Dr. Prinzing to act immediately at the time of his phone call at lunchtime on 9.11.74 with lawyer Dr. Croissant. The accused Dr. Prinzing should either, as suggested by Dr. Croissant, have permitted the presence of one of the trusted doctors, earlier named by the counsel for

the defence, or he should at least have ordered the prison to immediately start measures for medical care, if necessary by transferring the murdered prisoner to the intensive care unit of a hospital. The accused Dr. Prinzing was authorised to give judicial instructions of the above mentioned kind according to 125 para. 2 clause 3 StPO. Contrary to his remarks made to Dr. Croissant, a contact with the other court judges was not necessary. The remarks by the accused Dr. Prinzing must be seen as excuses.

The accused should also not have relied upon the prison authorities or the prison doctor in Wittlich to instigate the necessary measures for the immediate medical care of the murdered prisoner. Because the accused knew already before 9.11.74 that the prison authorities and the prison doctor neither seriously wanted to provide adequate medical care, nor were they in a position to do this considering the possibilities within the prison. On the strength of an application by the defence counsel, dated 7.10.74, Dr. Prinzing's court had to order the prison administration and the prison doctor through a decree, dated 22.10.74, to carry out the force feeding with a nose tube according to the rules of medical ethics. Before that the prison administration had made a statement to the court that they were not able 'with their existing medical and nursing staff' to use a nose tube.

Dr. Prinzing has in a striking and totally unjustifiable manner violated his legal duties. At lunchtime on 9.11.74, Dr. Prinzing has - despite knowing that a danger to the life of the murdered prisoner because of his weakened condition could not be excluded - failed as a judge to order that even the most minimal medical care was provided for the murdered prisoner. In view of his neglect he has at least consented to the death of Holger Meins. Had Dr. Prinzing ordered immediate medical measures at lunchtime or on the afternoon of 9.11.74, especially drips or similar measures, the life of Holger Meins could have been saved. To that extent we refer to the obtaining of an expert report in the preliminary proceedings.

The reason for the behaviour of Dr. Prinzing was first of all his disinclination to take up further judicial responsibilities on top of his phone call to the Wittlich prison on a Saturday. This showed itself in his unconcealed irritation at being

"bothered at all on a Saturday with information about the extremely critical condition of Holger Meins's health by Dr. Croissant. Considering all circumstances such a motive in the case of the accused Dr. Prinzing must legally be regarded as base according to 211 StGB. To that extent the extreme disparity between the behaviour of the accused Dr. Prinzing - his need for a restful Saturday - and the death of Holger Meins caused through his neglect has to be emphasised (compare Dreher, note 1 B a 211 StGB). Especially with regard to his position as a judge, the accused Dr. Prinzing must know that he has to undertake everything required of him to save the life of a remand prisoner, irrespective of whether the remand prisoner is on hungerstrike or not. A judicial point of view which values the life of a remand prisoner less than a personal need for rest on a Saturday is incompatible with the position and the responsibility of a judge in the legal and constitutional system of the FRG and therefore especially objectionable."

The remand prison rules include the following instruction under no. 57:

"Should hospital treatment become necessary the remand prisoner will be admitted to the hospital wing of the prison. The transfer to a public hospital requires the consent of the judge. If the necessary treatment cannot be given to the sick remand prisoner within the prison the governor has to request a decision of the judge."

The death of Holger Meins is the common deed of the State Security Department at the Federal Criminal Office and the Federal Prosecutor. It is the intention of this State Security Department that especially those persons, who are directly in a position to give help, should not order those urgently needed measures for saving the lives of prisoners from the RAF. This is shown by a house announcement in the prison Cologne-Ossendorf from 2.8.73 which also applied for the prison Wittlich:

in the mentioned house announcement it says under the column

"Moving a prisoner":

"Moving a prisoner - even in extreme emergency situations (for example danger to life) can only be done when the Security Group

Bonn (telephone 02221/353001) has given appropriate instructions."

It is proposed, to hear Justice Minister Theisen, Government Director Ringel, Federal Prosecutor Siegfried Buback, Karl Schutz, Dr. Horst Herold as well as Government Director Bucker, the governor of the prison Cologne-Ossendorf as witnesses with regard to this matter.

This document demonstrates who can make the last decision over life and death of a prisoner from the RAF: the State Security Department at the Federal Criminal Office. This order shows at the same time that the security interests for the political prisoners have a much higher priority than their lives.

Corresponding orders with regard to the confinement of the RAF prisoners also exist in other prisons. When the prison doctor Dr. med. Hassas from the prison Zweibrücken said to the prison governor Greus that the prisoners Junschke and Grundmann had to be urgently treated in a hospital, the prison governor declared that he should keep quiet, otherwise he would not be naturalised, the Security Group Bonn had stated by phone that a transfer to a hospital would be out of the question.

It is proposed, to question the prison governor Greus, Karl Schutz, Dr. Horst Herold as well as Wolfgang Grundmann and the prisoner Klaus Junschke as witnesses with regard to this matter.

The prison doctor Dr. Hutter, who was responsible for Holger Meins, had already at the beginning of the first hungerstrike by the RAF prisoners in February 1973 demonstrated his determination to break the hungerstrike with medically irresponsible and life endangering measures in a letter to the prison governor. In this letter by the prison doctor to the governor of the prison in Wittlich, he writes already one day after the start of the hungerstrike:

"To make the health damaging hungerstrike more difficult for the remand prisoner Meins, I consider the withdrawal of drinking

"water as well as the addition of salt to his washing water as necessary."

Before the death of Holger Meins the prison doctor said in front of witnesses:

"He will die anyway."

It is proposed, to question the former prisoner Rolf Georg Hecker as well as Government Director Essmayer (to give evidence for the suggested withdrawal of water and salt in the washing water at the first hungerstrike) as witnesses with regard to this matter.

Only as a result of the decision by the court in Stuttgart from 22.10.74 could the prison doctor Dr. Hutter be forced to stop using unavailable instruments during the force feeding which had been agonising for the prisoner. The prison doctor was personally instructed by a specialist for throat, nose and ear illnesses on 23.10.74 on how to use a stomach tube. He was then also informed by the specialist that 9 tablespoons of the nutriment mixture "Stardit" were sufficient for artificial feeding, according to the printed instructions.

It is proposed, to question the specialist for throat, nose and ear illnesses, Dr. med. Demers in Wittlich, as witness with regard to this matter.

Contrary to the information given to him and to his knowledge on the grounds of the instructions given for the nutriment mixture, the prison doctor gave Holger Meins from 24.10.74 onwards only 3 tablespoons of "Stardit", which corresponds to a daily calorie amount of 400. This is shown in the records on the consumption of this nutriment mixture which is contained in the files of the Public Prosecutor in Trier.

It is proposed, to produce the files from the Public Prosecutor Trier - 7 Js 1235/74 - and to read out the document contained in it as well as to question Dr. Hutter as witness.

The prison doctor knew perfectly well that he was gradually starving Holger Meins by giving him such insufficient nourishment. About this fact and the apparent worsening of his physical condition, which in the week before the death of Holger Meins led to rapid malnutrition, Dr. Hutter has informed the prison governor Essmayer as well as the Ministry of Justice, the Federal Attorney General and the prison doctor Degenhardt in Kassel, who, as prison doctor had the special trust of the Federal Prosecutor and the Security Group/State Security Department at the BKA for his withdrawal of drinking water from Andreas Baader. This briefing followed as a result of a general instruction "to inform the Ministry of Justice and the Federal Prosecutor about any special particulars". All special occurrences in connection with Holger Meins were discussed "by justice officials" with the responsible officials at the Federal Prosecutor's Office.

It is proposed, to question Siegfried Buback, Horst Herold, Karl Schutz, Government Director Essmayer and Dr. Hutter as witnesses as well as Government Director Ringel, Justice Minister Theisen and Federal Justice Minister Vogel in Bonn with regard to this matter.

Even though the Federal Prosecutor and the Federal Criminal Office knew about the extremely dangerous health situation of Holger Meins, even though the two State Security Departments were also informed on the day that Holger Meins died, that the prisoner was no longer able to walk and that he had to be carried into the visiting room on a stretcher, the two people most responsible, the witnesses Buback and Herold, have given no instructions for admission to a hospital - the only possibility to save his life.

It is proposed, to question the security inspectors at the prison Wittlich, Auster and Kopper, Government Director Essmayer as well as Siegfried Buback and Horst Herold with regard to this matter.

Even though the physical situation of Holger Meins had become so severe on 7.11.74 that there was an acute danger to life, even though Holger Meins had demanded the admission to a public

hospital on 8.11.74, even though the force feeding had to take place in his cell on 8.11.74 because the emaciated prisoner was not able to walk any more, and despite the fact that Holger Meins had to be carried on a stretcher on 9.11.74 to talk to lawyer Haag, despite all these facts none of the responsible officials had taken any kind of measure to save his life. Even the official at the Ministry of Justice, Government Director Ringel only suggested in a phone call with the witness Auster on 9.11.74 to bring Holger Meins to the visiting room on a stretcher, even though he knew about the acutely dangerous situation and about his legal duty to act as well as the other officials of the state machine.

It is proposed,
to question the witnesses Ringel, Essmayer, the medical prison warden Hennig, the security inspectors Auster and Kopper and Dr. Hutter, Dr. Degenhardt, Herold, Schutz and Buback with regard to this matter.

The presiding judge Dr. Prinzing received at about 1.30 p.m. the information from prison officer Richard Hohwer that Holger Meins had been carried to the visiting room on a stretcher. In view of this information Dr. Prinzing declared, after he had expressed to the witness Hohwer, his anger about the disruption of his Saturday rest by lawyer Croissant: "that he then regarded the matter as settled."

It is proposed,
to question Dr. Prinzing and Richard Hohwer as witnesses with regard to this matter.

On 8.11.74, the day before the death of Holger Meins, the prison doctor Dr. Hutter phoned the doctor at the Federal Prosecutor's Office, Dr. Degenhardt in Kassel, in full knowledge of the critical condition of the prisoner, to inquire whether he could take a holiday until 10.11.74 despite the critical condition of the prisoner and whether he could therefore discontinue the force feeding for one day, 9.11.74. Dr. Degenhardt explained to him that he could leave the prisoner alone.

It is proposed,
to question Dr. Degenhardt, Dr. Hutter and the Justice Minister for Rheinland-Pfalz, Dr. Theisen, as witnesses with regard to this matter.

The death of Holger Meins is - as well as the death of Siegfried Hausner - a model example of the liquidation of an imprisoned guerilla fighter as part of the destruction strategy by the state under exploitation of favourable conditions: slow starvation through infusion of insufficient nutriment amounts in the case of Holger Meins, the manipulation of the date for his transfer to prevent a medically faultless force feeding and the deprivation of any kind of medical help shortly before the beginning of the acutely dangerous phase.

The homicide of Holger Meins under the direction of the State Security Authorities shows that the FRG continues its war of destruction against the guerilla also against the prisoners. The discussion of the offered evidence is also important within the framework of the proposed dismissal applications submitted by the defence counsels at the beginning of the trial. In the reasoning of this application it was shown through the presented facts, that the facts which have to be judged in this trial can only be understood under the international law of war, so that there is no room for the application of state internal criminal law.

Appendix 35C

Federal Prosecutor
at the Federal Court
1 StB 1/75

16.2.1977

The Federal Prosecutor makes the following statement with regard to the application, dated 7.2.77, by the lawyer Dr. Croissant, which he has read out in court and termed as "evidence" for the defendant Dellwo and which the other defendants have agreed with.

The defence counsel for the defendant Dellwo, lawyer Dr. Croissant, has on the 71st day of the trial, in his capacity as an independant organ of the administration of justice, read out a statement which surpasses everything that has been presented so far in this trial by that lawyer.

The deliberations of this lawyer in his application of February 7th, 1977 are not the kind of usual blunder which might have been made partly from a certain excitement, but are obviously deliberately planned defamations whose monstrosity will be shown here by some especially exemplary passages.

Lawyer Dr. Croissant maintains amongst others:

that Holger Meins has been executed systematically under the direction of the Federal Prosecutor Siegfried Buback, and the head of the State Security Authorities of the Federal Criminal Office (BKA) and its president Dr. Horst Herold (page 4),

that the suspension of the force feeding of Andreas Baader was aimed at the death of this prisoner (page 26)

the plan for Baader's liquidation had become public through a press statement (page 26)

the death of Holger Meins is the common deed of the State Security Authorities of the Federal Criminal Office (BKA) and the Federal Prosecutor (page 37)

the death of Holger Meins is - like the death of Siegfried Hausner - a model example of the liquidation of an imprisoned guerilla fighter as part of the state's destruction strategy under exploitation of favourable conditions (page 42)

the homicide of Holger Meins under the direction of the State Security Authorities shows that the FRG is continuing their war of destruction against the guerilla, even against the prisoners (page 42)

And finally to crown it all:

The Federal Prosecutor has expressed the interest of the State Security Authorities in the death of such prisoners in an interview by stating:

"For some, 5 defendants in Stuttgart were already too many". (page 26)

Lawyer Croissant has consciously falsified the quote in Der Spiegel interview by taking a sentence out of its context:

Der Spiegel had put the question to the Federal Prosecutor whether it would not have been possible for the avoidance of unnecessary expenditure of tax money, in the region of a million Marks, to combine the proceedings at the Court in Stuttgart and at the Assize Court in Kaiserslautern whose trial subject was very similar. To this the Federal Prosecutor had replied:

"For some 5 defendants in Stuttgart were already too many. We had long discussions whether we shouldn't form groups of 2 defendants or even charge the people individually."

Whoever, like this lawyer, does not only bring a falsified quote but also has the impudence to apply for the appearance as witness of the person whose quote he has falsified, this lawyer shows that he is not interested in finding the truth through his applications, but that he really wants to mislead the court and public opinion. At the same time he demonstrates that he has fully accepted the rule that the RAF is expecting of him as a lawyer.

Part of the lawyer's responsibility is, according to a cell circular which was found in July 1973 in the cells of the prisoners Ensslin, Baader, Moller, Meinhof, Muller and Braun:

"Fact is that the lawyers are an important part of the popular front strategy, and as the base is still weak their function is the creation of a democratic public, a public opinion, which is of course one of the prerequisites for a proletarian front." (documentation by the Federal Ministry of the Interior about activities of anarchistic criminals in the FRG, p.110)

How seriously lawyer Croissant is taking this duty and how much knowledge he has about the activities of the "guerilla" is shown in his interview with the ZDF which was shown on 25 May 1976:

"It is possible to kill a revolutionary but not the revolution. The continuity of the guerilla is unbroken. Quite the opposite, it has become stronger because through their struggle, the worldwide struggle, the contradiction between the state and liberation from the control of the existing production and property relations has become visible.

ZDF: So this means the struggle will continue?

Croissant: Yes."

Part of this struggle is the continuous defamation of justice according to the example of successful demagogues: one only has to hint at the untruth often enough - something will stick in the public mind!

And what is easier to make use of emotionally after the experiences of the Third Reich, with its mass murders ordered and planned by the state, than the assertion that the state organs are once again engaged in liquidating political opponents.

In the already quoted cell circular, dated July 1973, it says:

"Through the lawyers, the judges and public prosecutors will be seen as what they really are: under their appearance

they will be seen as politicians, as the darkest reactionaries, servants of capital, imperialist pigs, communist haters, desk criminals, murderers."

(documentation by the Federal Ministry of the Interior, p.110)

The culprits had therefore already been determined, long before the first death through hungerstrike occurred. It was therefore only logical that the potential victims had already decided who the culprits were and according to their wishes certified to the lawyers as Holger Meins did:

"In the case that I should die in prison it was murder - no matter what the pigs will maintain."

But the truth looks different. The truth is that all the participants in the hungerstrike like Holger Meins had quite realistically judged the risk to life and health and had, despite this knowledge, used the hungerstrike as a means in their fight against society.

In one of the RAF papers found in February 74 in a conspiratory flat in Frankfurt/Main it says about hungerstrike:

"It is certain that nobody will give any evidence - the breakdown only means that the people will be finished as fighters - because it will be much heavier in connection with actions outside than the last time."

(documentation by the Federal Ministry of the Interior, p.101)

A judgement which was also shared by Holger Meins. On 31st October 1974 he wrote a letter to the gang member Grashof, in which he very heavily criticised him for breaking off his hungerstrike. This letter, which was later confiscated from Dr. Croissant's, starts with the following words:

"You stupid idiot.

You will start again immediately and continue - if you haven't done that yet. This and nothing else. No matter what day it is today.

It is of course the last straw, what you have done there, you know, really filthy. You are a real pig. Well alright. You freaked out - which isn't the first time it happened, as I remember along with a few other things as well. This

happens with every action, somebody always freaks out and the daily shit, the anger - just wait, you arsehole.

As it happened this stayed within the family, and it should really have been clear to you what that means for the pigs and against us (by now in any case) -

in the middle of the action, if you have eaten at that point with full consciousness - as a way out - then you are out. Then I wish you a good appetite (does it taste good?). Then we are finished. If it was a freak-out, a break, totally stupid. But that can happen - despite everything that has been said. We all know about that. But then you will have started again already, or what? If not, then start IMMEDIATELY."

This passage from the letter by Holger Meins to Grashof is missing in the so-called "letter by Holger Meins of 31st October 1974 to a prisoner who has discontinued his hungerstrike" and which was given by Dr. Croissant to Der Spiegel for publication.

The letter by Holger Meins published in Der Spiegel also contains significant statements by the writer on the hungerstrike. He writes for example:

"The guerilla materialises himself in the struggle - in the revolutionary action and of course: without end - precisely: fight until death and of course: collectively."

and

"Of course everybody will die one day. The question is just how and how you have lived. And the thing is quite clear: while fighting against the pigs for the liberation of the people: revolutionary, during the struggle - despite all love for life: despising death. For me the only thing that counts is: to serve the people - RAF."

The truth is therefore: Holger Meins has in full knowledge of all consequences consciously sacrificed his life for the aims of the RAF. This was also known to lawyer Dr. Croissant. It was also known to him that the Public Prosecutor had already dismissed

the charges of accidental homicide against the prison doctor, and others, on 20 August 1976.

In the meantime the Prosecutor in Koblenz has rejected the complaint against the dismissal of the charge. In his decision of 8 February 1977 he says, amongst others:

"I can also not object to the fact that the Public Prosecutor in Trier has not dealt more strongly with your complaint that the persons denounced by you, especially the presiding judge Dr. Prinzing, were guilty of murder. These accusations are without support. Your complaint does therefore not include any new points.

"More important than the debate of an apparent or alleged misconduct by the agencies of justice and the police, would be an investigation of the question, which is not raised by you either in your first charge from 19 November 1974, nor in your complaint from 7 January 1977, whether those people are to blame for the death of Holger Meins. Those who have induced him to carry out the hungerstrike and who have later urged him to continue despite the possible and foreseeable fatal consequences. The Public Prosecutor in Trier has taken the view in a separate decision, given to other complainants, that it would not be possible to refute the statements by the accused, that they believed that the prisoner would be kept alive through artificial feeding. Within the framework of the preliminary proceedings under consideration, a judgement about their moral complicity cannot be made."

Even though lawyer Dr. Croissant has termed his application as an "evidence application", it is not considered as such according to 244 StPO. Whether it is a formal "evidence application" is not determined by its wording, but by its significance (BGH NJW 51, 368). The obvious attempt to mislead the court through his application of 7 February 1977 is really aimed at making public propaganda for the RAF.

With regard to such propaganda actions, the Federal Court has stated in its judgement, dated 12 October 1965 - 3 STR 15/65 - against the South Tirol bombthrower Norbert Burger:

"According to the penal code, the court only has to establish those crimes committed by the accused and to sentence him fairly according to his personal guilt. Radical circles, be they from the left or the right, have always tried to make propaganda for their political views in the court room. The courts have always emphatically rejected this (BGH St. 2, 284; 17, 28; 17, 337, 343; RGSt 45, 138; 65, 58; 66, 14). They have rejected all such applications as inadmissible."

To this the Federal Prosecutor has nothing to add to the application by lawyer Dr. Croissant from 7 February 1977.

II.

Even in a case where the application could be regarded as a submission of evidence the proposed inquiries would have to be rejected according to 244 Para. 3 StPO:

A. With the assertion that Holger Meins had been systematically executed by officers of justice and the police, the aim is to draw out the trial, as well as the pursuance of aims unconnected with this trial. Lawyer Dr. Croissant has already stated at the beginning of this trial, that he would do everything possible in this trial to clarify the death of Siegfried Hausner and Holger Meins.

As the defendants have not been charged with their deaths and as it is of no importance for this trial it can only be an application - as is clear from the choice of the named witnesses - with which the publicity, that this trial is receiving, is being used and that the trial will be drawn out with irrelevant discussions.

B. As far as the application is meant to show

"that the guerilla commando in Stockholm had named itself after Holger Meins to make the meaning and aim of this action clear to everybody"

the application is also to be rejected (244 para. 3 StPO). The fact of the naming has already been established. The

reason for the chosen name after Holger Meins is legally without any significance for the decision.

The 52 named witnesses, and the other mentioned evidence, are all completely unsuitable because the establishment of objective facts would not result in any conclusion on the subjective ideas of the defendants.

Even after conducted evidence hearings, nothing would have been proved in connection with the subjective offences on top of what the defendants have so far stated in this trial.

The Federal Prosecutor is of the opinion that the statements and the behaviour of the defendants in the trial so far have made the aims of their offences sufficiently clear. But these are, as already pointed out, for a decision for legal reasons without any relevance because the defendants can for their offences neither call on reasons of justification nor reasons of guilt exemption:

That an objectively illegal attack by the state on the 26 comrades of the defendants who have been arrested or sentenced according to legal principles has not taken place, does not need any further explanation. The conditions of imprisonment have been described by the highest courts as being in accordance with constitutional principles. The European Commission for Human Rights has refused the complaint no. 6166/73 by Baader, Meins, Meinhof and Grundmann against the FRG, because of their prison conditions as inadmissible and obviously unfounded.

In a further complaint no. 5521/74 by Heinrich Jansen against the FRG the Commission has stated:

"The complainant was not totally isolated, but he was merely separated from the other remand prisoners to ensure the security of his imprisonment and to therefore uphold the order of the prison. On the other hand he is allowed to have visits. In reality he is subjected more to an imprisonment of separation than solitary confinement (see decision of the Commission about the admissibility of the complaint no. 6038/73, X. against the FRG, decision collection 44, p. 115).

The commission comes to the conclusion that the examination of this complaint does not show any violation of the rights and liberties mentioned in article 3."

Justification reasons like "help-in-need" or a "right to resistance" are therefore excluded in any case.

C. It could possibly be considered whether the evidence assertions could be of legal significance within the framework of a prohibition error according to 17 StGB. The following has to be noted in the case of an eventual prohibition error:

According to their statements in the trial the defendants knew fully well that their offences are illegal according to the law of the country to which they belong. They chose to consciously commit acts of murder with the objective of the coercion of the Federal Government, because they reject the penal code insofar as it means a restriction on their political actions.

But if the culprit is aware of the illegality of his action and if he rejects the penal code for political reasons by denying the application of its norms for himself, he cannot refer to a prohibition error. (BGHSt 4, 3)

Whoever is living in a community must accept the law, which is valid, for himself. The assertion by the defendants that they are in a state of war with the FRG and do not feel bound to its penal code, therefore contradicts the assumption of a prohibition error.

This is even more relevant as martial law prohibits the killing of hostages.

But even if the defendants had been of the opinion that the 26 prisoners were threatened with the same fate as Holger Meins, a mistake about presumed "help-in-need" or "resistance right" would not exist according to 33.34 StGB.

Because in front of a court of a constitutional state nobody can on principle be heard on the grounds that he had to carry

through the rights of third parties with violence against uninvolved people (compare BGH judgements, 12 October 1965 - 3 STR 15/65 - and 7 November 1965 - 6 STR 137/55).

Self defence and help-in-need would have a legal meaning for the subjective offence only then, as is also the case with the general right of resistance against state despotism, if it had been directed against legal possessions of the aggressor (BGHSt 5, 345/248). But from the staff at the German Embassy in Stockholm no danger was forthcoming for the 26 prisoners.

With regard to the facts of the case according to 105 and 239b StGB, there is no reasonable doubt that the defendants have consciously acted in opposition to the penal code. The attack was from the beginning, directed against totally uninvolved embassy officials. The defendants knew - this is shown in their statements to the effect - that only through an attack on the physical entirety and the life of the embassy staff could their aim, the coercion of the Federal Government to release the 26 prisoners, be achieved.

Whoever knows that the murder of a person is illegal cannot object, with regard to hostage taking as well as to the killing itself, perpetuating the coercion of the Federal Government, that the consciousness for committing further offences had been missed by him.

As the defendants had the intention of committing crimes by hostage taking and the killing of 2 hostages, they also knew that the pressure on the Federal Government through the hostage taking and the killing of 2 hostages could not have been legal.

The application is therefore also not appropriate to demonstrate an alleged prohibition error.

The proposed submission of evidence can therefore be of no significance under any factual or legal basis in view of the decision which has to be made. It is therefore refused according to 244, para. 3 StPO.

D. As far as the application once again mentions the question of the application of prisoner-of-war rights, I refer to my refusal statement of 20 October 1976.

III.

As a summary the following has to be stated with regard to the application by lawyer Dr. Croissant:

1. The read-out application has to be rejected as inadmissible because, dressed up as a submission for evidence, it only includes attacks against state agencies without any concrete relevance to the trial.
2. The proposed evidence is, insofar as it is aimed at objective statements, to be refused because of its pursuance of aims which are irrelevant to this trial and because of delaying the trial, as far as statements on the offences of the defendants are to be made. It is without any significance for the decision and unsuitable.

Signature

Appendix 37

Minutes of interrogation of Ingrid Möller before the Investigative Committee of Baden-Wuerttemberg State Parliament on 16.1.1976

Ten M.P's took part in the session presided over by Dr. Rudolf Schieler.

At 16.30 Ingrid Möller is brought forward in handcuffs. She is accompanied by Heidmann and Jutta Bahr Jendges.

Six officials sit facing the spectators.

This record was written by Kainer Fromann, but it is not word for word. There are some omissions. P.T.O.

Möller: At first I want to ask why the subject has been so confined. The case has its history.

Schieler: We have to fulfil an order by the Baden-Wuerttemberg Parliament. Included is the question of involvement by a third party. You can make a statement with regard to this subject.

M.: In the night from the 16. to the 17.10. I didn't sleep. I waited for news. In my cell was the prison radio which was turned off. We had asked to have it turned off in the summer as it was possible that we were being listened to via this circuit. The circuit was disconnected by the house-electrician.

[On the 13. September I was moved into another cell.] In the morning I heard the news. The first impression I got: the prison officer put a piece of bread in my cell. [Since the 15. we only received prison food.] Between 7.00 and 8.00 a.m. the sound-proofing was removed from the cells. These constructions had been mounted on the 13./14. September. Outside my cell-door there were two civilians: I discovered that these were two priests, an evangelical and a catholic one. I explained to them the measures which had been taken against us, how the contact-ban was being used to suffocate us. I told them that if they thought - and as I assume - that their institution (church) had not been taken over completely by the state, that they should then make our situation public. I then wanted to go to the cell of Ingrid

1) Preliminary report by the Government Baden-Wuerttemberg, p. 11.

also 'You all des haven vir nichts gewusst', p. 14; report by the International Inquiry Commission: The death of Ulrike Meinhof, chapter III, 2 - 6.

Scubert to get books. The priests then talked to Gudrun and Jan. At about 12.00 am. lunch arrived. Andreas only woke up at this time and I was worried that he woke up that late. It was clear which one of the meals he would get. The prison authorities had total control over who got what kind of food. That was clear. Nobody went on the roof that afternoon. I hesitated whether I should have a bath. At about 20 minutes after 2 p.m. prison officers were at Andreas's door. The door was opened, there was murmuring. I thought that he was going for a bath. At 3.30 p.m.

I began wondering where he was. But then he came back and went to Gudrun's door: somebody had been there from the Federal Chancellor's Office; not Schueler, but a man who claimed to be in daily contact with Schueler. Andreas gave some details of the talk. [On the 29.9. Andreas had taken the initiative to ask somebody from the Chancellor's Office to come.] On the same day Andreas told Jan that he had started that contact. The NKA wasn't able to grasp the dimension of the whole thing. It was not clear whether the Federal Government was clear about the political implications of a release. A condition for seeing anybody from the Chancellor's Office was, that the Government was prepared to exchange use [On Monday afternoon a man from the Chancellor's Office came (Ministerialdirigent Dr. Egelau)] He asked Andreas if he knew the people from the Commando personally. Andreas told him that he didn't. It became clear that he had only come to find out if we knew the Commando to create the prerequisite for the GSG-9 action. Andreas had further discussed the role of the SED in the Vietnam-war and the role of the Federal Government. He talked about the strategy of the RAF and this revealed that the man from the Chancellor's Office had the same consciousness about the problematic of the SPD as we did, but that he had no idea about our way of thinking. The Government had understood our sentence "It can be assumed that we will not return to the FRG" in such a way that we were now contemplating "International Terrorism". Terrorism is never the aim of the RAF - never. Our aims are strategic actions which move the class-struggle forward. Andreas then explained the details for an exchange and that we didn't insist on an international press-conference. He has explained everything as far as possible. Klaus from the NKA was also present. Andreas explained that the only possibility to stop the escalation was the exchange of the prisoners. Should this not happen then this would lead to an escalation of the war. Andreas said that we were considering the possibility to get killed or to die during a hungerstrike. The SPD would then be forced to agitate openly as a war-party instead of doing it hidden. As a war-party the SPD-strategy so far would be impossible. The man understood this.

At about 4.00 p.m. I heard Gudrun's voice - but I wasn't sure. My sound proofing hadn't been fixed to the door yet. I had expected that my door would be open once more. Both Jan and I called loudly to Gudrun. We heard Andreas ringing the bell. At 4.45 p.m. Gudrun returned; then the sound-proofing was attached. I read and didn't hear anything until 11.00 p.m. At 11.00 p.m. the light was turned off. I heard that Andreas's hatch was opened. I heard voices, not very clear. I heard: "Herr Reader, just wait a second" etc. Then they went to Jan: here everything was completely silent. Then I didn't hear anything anymore. [Until 10.00 p.m. I listening to the news, heard the Schmidt-Bahr talk.] Then I continued reading. I listened to music through ear-phones. Then I had to repair the cable of the

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ear-phones because they had fallen into the candle. The candle burned down. Then I tried to build myself a lamp after the principle of a paraffin-lamp. I tried to remove the bottom from a glass by heating it and then subjecting it to sudden cold - as flame protection. But it didn't work. The candle burned until 4.30/5.00 a.m. I was undecided. I wanted to hear the news at 7.00 a.m., but I was also very tired. I laid down at the crack in the door (at the bottom there was a crack in the sound proofing) and called out: "Jan - are you still awake?" I called two, three times, then Jan answered: "Yes." He was wide awake. Jan slept very little and he fell asleep early in the morning. I asked: "What are you doing?" He answered: "I am still reading." I went to bed with my clothes on and turned on the alarm-clock. Shortly after 5 a.m. I heard 2 bangs very quietly - subdued - I believe now that those were pistol-shots - and a quiet squeaking sound. I lifted up my head, but stayed in bed. I didn't follow it up, but went to sleep again.

The last thing that I can remember: I felt a very strong roaring in my head, right inside my head. I don't know what it was - that was my last experience. I didn't see anything. I awoke when somebody pulled up my eye-lids. I think it was in the meeting-room (in front of the cells) under the neon-light of the wing. I was lying on a stretcher - I was terribly cold and had pain. A man said, Haeder and Anselm are already cold. I closed my eyes again.

The following has to be said to the "suicide-plot":

After the killing of Ulrike Meinhof we discussed suicide and that it is a CIA-method to present murders as suicide. None of us were going to commit suicide, that is in conflict with our politics. The last time we talked about suicide, was on the 26.9., the beginning of the hungerstrike. We started the hungerstrike, even though we knew that it wouldn't become public very quickly. We wanted to give a signal to the crisis-staff: we are determined to fight. We also wanted a change in the prison conditions. Since the 15.9. measures had been taken which were aimed at provoking us to suicide or to give a motivation for a ~~suicide~~ suicide. It was clear for us, suicide is not our thing. We are determined to fight. Nobody threatened with suicide. Everything that is being insinuated now is clearly a falsification, the quotes etc. We had no communication amongst each other between the cells. We always assumed that we were being listened to. There was a double-structure in the wing: BND - and prison officers, or HKA - without one of the structures knowing about the other. Because of the interception in the cells we didn't want to create connexions anyway. But we also didn't have the possibilities to do this. The HKA assertions are wrong. This should be known

to them through the interception-protocols, we had no connexion amongst each other. We had no explosives, no weapons, no radio. With regard to the searches and the statements by Reumann: I know from myself, how I have been searched, how the lawyers have been searched before and after. We were led separately into a room (bathroom or similar) and had to put everything down. I myself was never in the court-building (only once from Hamburg as witness). On trial-days I was locked up with Ingrid Schubert at lunchtime in Andreas's cell. The others used to come back at 1.30 p.m. They were brought back separately, Gudrun and the men. We then had to leave Andreas's cell. I was then able to see how they were being searched. And even if there wasn't a regular search, we always had to expect it. My experience is: we had to put everything down, files, tobacco. We had neither the possibility to receive anything or to pass anything on. We had neither radio nor explosives nor weapons. The work in the wing itself hasn't been concluded yet, the wing is still open for the HKA to plant machine-guns etc. Reumann is under pressure. At the time he had announced that he would deliver an explanation in 3 months time. I was meant to give evidence under exclusion of the public on the 5. December. Now, aware of his power, he uses the possibility in front of the inquiry committee: to multiply his theories. He has now put his pot on the fire, from which he and the State Security intend to eat for a long time. The timing is very striking. Reumann has brought forward his statement in a special meeting on Thursday. On the same day the HKA announces in French newspapers that the RAF has killed comrades; that is then repeated in the FRG. On the same day is the discussion about the postponement of the new anti-terrorism-laws. The aim is clear: everything, that has been used so far as destructive measures against us and the lawyers, even murder, has to be legitimized. And above all: neutralization of the anti-fascist resistance abroad. And to deny the continuity of the RAF-politics by claiming that everything has been led from Stammheim - the old CIA-strategy to destroy the leaders, as then according to them the struggle is finished. Nothing suggests that somebody, who has worked in the Croissant-Office, said anything like that, as Reumann claims.

The more detailed something like that is stated the more credible it is meant to appear. Should a prisoner nevertheless have become a megaphone of the State Security then this would make the aim of the contact ban evident: the military function of blackmail. The short-term torture for a limited time aimed at blackmail to gain news - opposite to the long-term torture so far, according to the development of the war guerilla-state.

SCHIELER: I'd now like to ask a question. You said that you had had no contact with each other. How was it then possible that the conversation of 17th October between Albrecht Klaus, Hegelau and Baader had been communicated?

MOLLER: Because of the Contact-Ban all our senses were heightened, we were very attentive, we were very tensed-up. We always jumped to the door immediately we heard something outside. Andreas had gone to the door of Gudrun's cell, he was telling her about the meeting, so loudly, that we, Jan and myself, could hear it. We made very little use of this possibility of communication, we ourselves were our last line of defence after the exclusion of our lawyers. We accepted that in any case we had to mutually defend ourselves. We did not want to provoke an even greater separation.

SCHIELER: Is it correct that you heard the news on 17th October?

MOLLER: I'd hidden my earphones. I didn't want to remind the guards of the connection in my cell. On 5th September everything had been taken from the cells by the BKA, TV, Radio, Record Player etc. On Tuesday the 6th September we got everything back. On Wednesday the 7th September the others had everything taken away again. Andreas complained of damage to his possessions when they were given back. Tuesday afternoon - it was at that time that I got back my earphones. I didn't want to remind them that in my cell there was the radio connection, although it had been cut-off. I used that, I knew how to, the electrician had cut through two wires, I had installed a connector and could use it as previously. I regularly listened to the radio from 13th September up to 17th October.

SCHIELER: Did you keep up to date on the Schleyer affair and inform your fellow prisoners?

MOLLER: I called out from time to time.

SCHIELER: Why only from time to time? They were important things you had to tell.

MOLLER: The important thing was that the contact we had should last as protection. On 15th, after the Government's announcement by Schmidt in which he outlined the police's tactical solution and stated that there will be no threat of murder, but that the Government would remain prudent etc., then I called out at night. The immediate consequence was the putting-up of the foam rubber baffles. Then you would have had to shout like crazy. By day shouting was possible but it had no point.

SCHIELER: Did you know that affairs in Mogadishu were reaching a decision.

MOLLER: I had no knowledge of this. I laid awake but the prison radio was turned off after 10.00 or 11.00. The last time I listened was at around 10.00.

SCHIELER: During this night did you have any contact with Jan by shouting?

MOLLER: I know that Jan didn't have a radio.

SCHIELER: On 17th October there was a visit by the two priests. You hadn't requested a visit. When was Gudrun Ensslin locked up again?

MOLLER: Around 17.00 hours.

SCHIELER: Did you hear that came back at around 17.00 hours?

MOLLER: Andreas asked after her, I deduced it from that. Subsequently I deduced that she was at that time with the priests.

SCHIELER: 18.00 hours. Officials were with Andreas Baader. For his medicine?

MOLLER: Yes. Andreas received medicine every evening.

SCHIELER: (Requests a description of the shot)

MOLLER: That is difficult to describe. A stifled crack,

SCHIELER: On 17th October did you still hope to be exchanged?

MOLLER: Yes. Klaus was there on Saturday and because I was listening to the radio and knew that the Kommando had rigged up explosives on the plane, I presumed that the Government wouldn't risk the deaths of eighty people. So I imagined that we would be exchanged. For me both were possible - exchange and the storming of the plane as indeed subsequently happened.

SCHIELER: Did you only regain consciousness after leaving the cell? Have you no knowledge of how you received the wounds?

MOLLER: No. But I didn't inflict them myself. I don't know how that happened. I have only a vague memory of being transported. In Tubingen the State Prosecutor (Rainer Christ) came to my bed. I don't know how the doctors came into my cell. I also don't know how I was on the stretcher and how I was taken out of the cell.

THE PRESIDENT OF THE COMMITTEE, DR SCHIELER WANTS TO CONTINUE THE QUESTIONING BUT IRMGARD MOLLER INTERRUPTS -

MOLLER: For six months I have been in total isolation, cut off from all prisoners. I request now a pause of a quarter of an hour.

THIS ENSUES.

MOLLER: Knife and Fork, Scissors, Razor Blades, everything was there. Razor Blades, e.g. to cut things out or as a further example, to patch up the cable to put an end to the isolation. I still feel the consequences of the wounding. When I run quickly I feel it in my heart. I'm no medical expert, you're better informed about my wounds than I am. It was the pericardium

MOLLER: (CONT'D) twice, one shortly after the other. I didn't make the association with a shot, I had no idea that it was a weapon. And a further point. Shortly before the hunger strike I had a swollen neck. I said to the prison doctor, Henck, that I had this complaint. He passed this on to Schroder and suggested that he examine me. Andreas spoke of terrible headaches. When I told him that Schroder was coming the following day, he asked me to see to it that he saw him as well. Strikingly, three or four days after the start of our hungerstrike the pains stopped. All the measures put into practice since the 5th September (i.e Nusser's orders that there should no common shopping, no common washing, no touching of common objects, a ban on the buying of fruit, a ban on additional allowances). All these measures introduced since the 5th meant that we were tied directly to the institute's food. We had our faces pushed into the prison food. It was then that we made the association with poisoning. I'd been receiving the food since the 13th but I hadn't eaten any of it and I suspect that the others had also done this.

SCHIELER: (Asks about the consideration of suicide)
You know comments have been made, people who have spoken to you have commented that they saw such a danger.

MOLLER: If we are talking of dead prisoners, but only ever as a consequence of the hungerstrike. It is absurd to maintain that we threatened suicide.

SCHIELER: But you can kill yourself by means of a hungerstrike.

MOLLER: That's a provocation. There was no agreement on this. After Holger's death that was clear. In August we broke off the hungerstrike, i.e. interrupted it when we learnt from Amnesty that the State Security Agencies and the Government had our deaths in view. Outside of the persecution since Ponto the escalation since for longer than half a year i.e. since we had been treated as hostages after Buback's death, we knew that the repressive measures would be intensified. In October we still didn't have any idea of when this would all come about.

MOLLER: (CONT'D) and the heart muscle has now healed.

QUESTIONER: Given the hypothesis that death follows hunger, would you then say that was suicide?

MOLLER: No. That's murder. As happened in the case of Holger Meins. Manipulation of the deadline for hospitalisation by the Federal Prosecutor's Office.

QUESTIONER: If a prisoner were to shoot himself after years of isolation would you then speak of suicide?

MOLLER: This is a provocative question and a hypothetical one. The aim of the question here is quite clear. I have made it quite clear what constitute's murder. Jan didn't have a radio and as we all had none - I knew what radios we had - I knew every single one and they were all taken from us on 5th September.

QUESTIONER: You have given us a detailed exposition of the conversation between Klaus and Baader. How was that possible?

MOLLER: Andreas was reporting to Gudrun, standing at her door, and we could all hear. The conversation at the door lasted for ten minutes at the most. Guards were there and they were listening. It was the usual practice that all the prisoners were immediately returned to their cells but as far as it was possible and necessary we seized the opportunity to talk with each other outside the cell doors. Andreas had to defend himself of course. The guards were shouting out nonsense all the time " Come over here etc.." They were also interested to learn what we were saying and thus it all went off without great difficulty. You only had to fight for some room. I only know when Gudrun

MOLLER: (CONT'D) came back. We hadn't agreed to commit suicide, this was a technical impossibility. But above all we didn't want it.

QUESTIONER: But nonetheless you were able to carry on a conversation for over ten minutes and without the foam rubber baffles you could have shouted to each other. Why then wasn't this possible?

MOLLER: Somebody would have come immediately to stop it. If we could have made arrangements then that would have had unavoidable consequences. I didn't know that on 8th October Klaus was with Andreas. On 9th October Gudrun wanted to speak to Klaus. I heard the warders say " But he was only here yesterday". I had no knowledge of the conversation of 8th October between Klaus and Andreas.

QUESTIONER: What do you then say to Baader's comment " If the Federal Government doesn't act quickly, then it's going to have to move quickly " ?

MOLLER: Everything I got to read was censored. I don't even have a copy of the official version of the Federal Government. You are confronting me here with things that I don't know about. Your reason for this is obvious. I only regained consciousness on the morning of 18th October. I've no recollection of the time before that, I only remember neon light. Not on the interior of the cell but in the corridor.

QUESTIONER: Witnesses have given evidence to the committee that you were found moaning and conscious in your cell.

MOLLER: I can only say what I remember. I can't remember the cell at all. During the trials of the others I was always with Ingrid Schubert locked up in Andreas' cell. Since January 1977 I have been in Stammheim. We were always locked up in Andreas' cell. Yes. Without further ado it was opened and shut when he wasn't there. I saw how Andreas was searched when he came back. Gudrun was taken into another cell to be searched. Before Andreas came through

MOLLER: (CONT'D) the barred-door into the seventh floor part of the prison he was searched from head to toe. Body searched and all his things as well. I can't say how often, I didn't keep a check list, but it happened in most cases and when it didn't happen you couldn't be sure that it wouldn't.

QUESTIONER: Witnesses have given evidence to the committee that there were no body searches of prisoners when they returned to the seventh floor.

MOLLER: I have seen it myself on more than one occasion. I had a record player, speakers and earphones, I listened to music at night perhaps to two o'clock. Since the 6th October with batteries. Since from the 4th the current had been shut-off at night. The prison knife was made of chrome. (This knife is shown to Irmgard Moller - the knife with which her wounds were supposedly inflicted. She says that she did have such a knife in her cell. After she is shown a photograph of the razor blades which were found in her cell. She says " I never such razor blades, I had only half ones, these weren't my razor blades. The scissors which I had in my cell were pointed at the ends. I was wearing a NICKI-PULLOVER, green and Corduroy jeans, grey. The news that I had heard I had only passed on in the most seldom of instances. I passed on the most important things, yes. But the most important thing was our mutual protection and the will not to provoke further separation and in consequence we spoke much to little. I never received any reference from the other prisoners on what was happenong outside Stammheim, never. My last memory is of an intoxication in my head. I hadn't smoked anything etc., I never noticed anything outside my cell door.

AS THE PRESIDENT GOES TO WIND UP THE SESSION
IRMGARD MOLLER SAYS " I want^{to} add something".

MOLLER: (CONT'D) If this torture, these conditions of imprisonment ~~say~~ the same. If the isolation continues then I will, and I am sure that all others of the R.A.F. and from other Social Revolutionary Groups will join in this, I will at the earliest opportunity go on hungerstrike in order to achieve that we are housed together as groups of fifteen people. Important also is the application of the Geneva Convention. It must be achieved that this power over life and death that the State Security Forces have over prisoners is put an end to. Each day counts.

Appendix 38

Extract from a Letter of Siegfried Haag

(regarding the separating glass pane)

"...since 1st June the visits are taking place behind a separating glass pane... furthermore the Justice Minister has ordered with immediate effect, that all supervised visits also have to take place in the rooms with separating glass panes - not so the relatives' visits. I'm saying this very coolly; earlier I had tried to imagine what this thing with a cubic metre of bullet-proof glass would be like. But when I really was behind it, as I really experienced it with my senses, I knew that it was far beyond my power of imagination. You have to experience it.

Concretely you can describe it the following way: a separating wall between two cells, fitted into a thick steel frame, perforated with thousands of little holes, carrying the double pane of glass of about 5 cm thickness. The glass doesn't allow the voice to pass through, because the holes absorb it. The voice comes from somewhere, is very distorted and to understand one another you have to shout. Even when it's completely silent, you have to talk loudly. A talk between two deaf people.

You are in front of each other as in an aquarium without water - the last realised impression is distorted, cut off - you bow forward, you try to speak through the holes. Automatically you look at the place in the window, where you speak to, and when the other one answers, you can't really look at him while you are bending your ear towards him and while he is speaking and looking through the pane.

But that's enough now.

You can't really describe how it works in reality.

Only when the talk is over you suddenly realise its dimension: when you stand up and are not able to go to the visitor, and when your hand hits the glass instead of touching another hand. Not another word on this theme - because this separating glass is only ONE part of the whole concept, much more important are

the consequences of the conditions of imprisonment - something you surely know, since they are more or less the same everywhere."

Stammheim, 1.7.78

locu-Appendix 38

Barrister-at-law Michael Oberwinder, lawyer of Ulrike Meinhof

Document of evidence for the criminal case Baader, Ensslin, Meinhof and Raspe, 4. may 1976

1. The former head of the Central Intelligence Agency (CIA) of the United States of America Mr. William E. Colby, to summon over State Department of the US, Washington;
2. the former head and agent of the Central Intelligence Agency in the Federal Republic of Germany, Mr. Richard Helms to summon over State Department of the US, Washington;
3. the journalist and former employee of the Central Intelligence Agency of the U. S. of America, Mr. Barton Osborne, Bureau 403, 2000 P-Street, NW Washington DC 20036; USA;
4. the journalist and former employee of the National Security Agency (NSA) of the United States of America, Mr. Winslow Peck, same adress as above under 3.
5. the writer and former employee of the Central Intelligence Agency of the United States of America, Mr. Philip Agee, 1 Hale Avenue, Cambridge, Great Britain;
6. the writer and former employee of the Central Intelligence Agency of the United States of America, Mr. Victor Marchetti, same adress as above under 3.
7. the journalist and former employee of the Central Intelligence Agency of the United States of America, Mr. Gary Thomas, same adress as above under 3.
to summon and to interrogate as competent witnesses for the proof

1. that the territory of the Federal Republic of Germany, since its foundation has been a strategic basis for the expansion policy of the US which is against international law and aggressive towards third world states, against constitutional governments of third world states and against liberation movements in third world regions which are anti-colonial, national and anti-imperialistic, in so far as all relevant open and covered military and intelligence service actions of the U.S. against countries of the Warsaw Pact, against parliamentary

legitimized changes of governments in West-European states, against anti-imperialistic liberation movements in the Near Middle East, in Africa and South-East Asia from U.S. secret service bases have been planned, organized, accompanied, supported respectively controlled on the territory of the Federal Republic of Germany

- especially
- a. that the IG-Farben Haus in Frankfurt, Mainz has functioned as a head-quarter for the entire length of the U.S. aggression in Indochina, which was contrary to international law.
 - b. that the U.S. head-quarters in the IG-Farben Haus in Frankfurt, Main, had military-strategic functions in planning, administration, coordination and control not only in operational but also in logistic fields for the U.S. military quota supply in Indochina and for the realization of secret operation of the U.S. intelligence services in Indochina;

2. that the constitution of the Federal Republic of Germany as a state after 1945 was realized and developed by the U.S. as a project of her expansive world power strategy; especially

that the CIA which was established after the second World War as an illegal part of the American foreign policy financially supported respectively through civil relations resp. through organisations for economy, trade, culture and student purposes during the period of the Cold War and afterwards parties and trade unions in the Federal Republic of Germany as also the training, financial support and promotion of politicians and officials of all relevant political economical and cultural institutions in the Federal Republic of Germany.

3. that because of open and covered, direct and indirect means of pressure through interference in the internal affairs of the Federal Republic of Germany, contrary to international law, through the complete economical, military and political

I. furthermore propose the summons and interrogation of the following assessors to the topics to proof as mentioned above:

- 1. the scientist David Horowitz, Washington DC, USA
- 2. the scientific assistant of the Institute of Peace Research SIPRI, Stockholm, Sweden, Mr. Galtung.
- 3. the scientific assistant of the Institute of Peace Research in Frankfurt/Main, Mr. Senghaas.

U.S. hegemony over the Federal Republic of Germany the governments of Kiesinger/Brandt and Brandt/Scheel were involved in the open and covered aggression and mass-murder strategies against the liberation movements and countries of the third world, especially in Indochina;

- a. through political, economical and propaganda support of the aggression resp. the possible usage of military U.S. army bases from the territory of the Federal Republic of Germany.
- b. because of her development of policy of interference, which contravened international law, in the inner affairs of the third world, especially Indochina and the European periphery as a subcentre of the American imperialism through her own intelligence services, her export of police and military weapons, training, technology and logistical support through the financial support of parties, politicians etc. and through economic pressure.

4. that the Federal Republic of Germany

- a. through requirements of her establishment as a product of the allied military government's dictatorship under the leadership of the U.S.
- b. through the condition and injunctions on the basis of which the rights of the allied powers under the leadership of the U.S. were handed over to German authorities.
- c. through the proviso clause of German treaty of 1956 and its later modifications.

especially

U.S. dependancy controlled by the CIA through the (CIA controlled dependancy) of the State of the Federal Republic of Germany - without being her colony according to international law-

the Federal Republic of Germany has no national sovereignty in relation to the U.S.A.

5: that she therefore is and will be forced to accept the military doctrine of an occupying power (the U.S. army) which implies as its strategic premise the total extermination of her population and the nuclear destruction of her territory by the nuclear weapons situated on the bases of the occupying U.S. army

The submitted evidence will prove in particular the following:

A.

1. The IG-Farben Haus in Frankfurt/Main is the nerve center for US activities in the Near and Middle East during the Indochina war also partly for the Far East.
2. The operations pertaining to the so-called provocative action program were directed and controlled from the IG-Farben Haus in Frankfurt/Main, beginning with the U 2-Flights over East Europe and the USSR in the 1950's, up till the Tonking episode, with which the USA wanted to justify the bombing of North Vietnam.
3. The complete strategic and tactical provisions for NATO and the world-wide activities of the USA were coordinated in the IG-Farben Haus in Frankfurt/Main.
4. The IG-Farben Haus in Frankfurt/Main is the most important cornerstone for that part of the US-intelligence network whose task is to supply information by means of highly developed radio-technology, and also for the radiotechnical direction and control of world-wide intelligence and military operations of the USA and the NATO.
5. The IG-Farben Haus in Frankfurt/Main was the headquarters of the National Security Agency (NSA) of the USA during the Indochina war.
6. The function of the NSA located in the IG-Farben Haus in Frankfurt/Main was to control the entire world-wide international diplomatic, military, commercial and civil radio communications, in order to provide, decode and compute information.
7. The headquarters of the NSA in the IG-Farben Haus in Frankfurt Main maintains stations in every large city in Europe, and is connected with a chain of espionage agencies throughout the Federal Republic of Germany, whose main function since the 1950's consists in supervising and sporadic jamming of the entire diplomatic

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military, commercial and civil radio communications in East Europe and the USSR, as far as the Urals.

8. During the whole Indochina war the NSA's outstanding priority through the interception and speedy decoding of radio messages between friendly governments and their diplomatic representatives, was to discern international reactions to specific phases of US aggression and the tanning of peace initiatives by foreign governments in this context, e. g. the Swedish government, in order to counteract these measures through pressure on the government or by influencing public opinion.
9. The military intelligence agencies of the USA (Army Counter Intelligence Corps (CIC) and the Navy and Air Force intelligence agencies) have maintained interrogation centers in the Federal Republic of Germany, since the late 1940's under civilian disguise, in which so-called subversive elements, in particular, from groups of Russian emigrants were subject to solitary confinement and other methods of torture and partial elimination. These secret prisons served as a model for the so-called provincial interrogation centers which were later set up by the US intelligence agencies in South Vietnam.
10. The NSA in the IG-Farben Haus in Frankfurt/Main supervised the communications during the Paris peace negotiations between the delegates of the Democratic Republic of Vietnam, the National Liberation Front of South Vietnam and Hanoi. This was done to enable the US government, through exact knowledge of the internal discussion and of the military position of the Vietkong, to prolong the peace negotiations and to gain yet another military victory.
11. In the Federal Republic of Germany in the late 1940's and 1950's the above mentioned intelligence agencies financed and supervised, under the codename of Ohio, the liquidation campaign of two Russian emigrant organizations among their fellow countrymen, and undertook the removal of the corpses.

12. This operation, directed at supposed east block agents among the emigrants, was the model for operation Phoenix, initiated in 1968 in South Vietnam by the CIA, whose aim it was to cut off the support by the civilian population for the Vietkong, whereby approximately 20,000 Vietnamese were murdered.

B

The submitted evidence will prove further:

1. The real function of the CIA is not to gather secret information, rather it is to intervene in the affairs of foreign states, by means of intelligence operations, in order to secure the success of the aims of US power politics.
2. Outside of the USA the CIA maintains its largest field of operations in the Federal Republic of Germany.
3. The powerful presence of the CIA, parallel to the powerful official presence of US troops in the Federal Republic of Germany, is not a result of strategy of reconnaissance, resistance and deterrance against the alledged plans of aggression from Warsaw Pact countries. The appropriate influence of public opinion is aimed exclusively at disguising the enforcement of US power politics, with th goal of expanding their influence, especially in the third world, from West German territory.
4. The powerful presence of the CIA in the Federal Republic of Germany, in reality, serves these two goals:
 - a. the guarantee of the retention of present political structures in the Federal Republic of Germany in order to exclude from the first any possibility of a change of course in a direction not in the interests of, in other words antagonistic to the US politics. This serves the purpose of:
 - b. securing the strategic use of West German territory as a base for open and covered operations by the USA against foreign states (both Warsaw Pact and third world countries).

5. A fundamental difference exists between the presence of the CIA in the Federal Republic of Germany and in other states, in order to carry out their activities in other states, even in those, which belong to the NATO, the CIA has to penetrate existing, independent political structures, e. g. political parties, unions etc. In the GFR, however, the political, economical, and social structures after 1945 were established as a project of US imperialism. Even before the end of the war the authorities behind this policy had drawn up plans for sovereign state, after the shattening of the German Reich, as a seat of government for their economic and political interests, on their conditions, and under their supervision.

Whereas in other states the CIA is an intelligence service which acquires certain influence through infiltration, by means of intelligence operations, in the GFR it acts rather as a kind of controlling secret police in the interests of US imperialism, dominating the crucial institutions

II.

The evidence to be submitted here, leads to the following, relevant processural conclusions

1. The CIA conducted covered operations against foreign states from West German territory.
2. The CIA and other US intelligence agencies are providing security and support for open and covered military operations by the USA against other states from their bases on West German territory, and did so during the Indochina war.
3. The politically responsible people in the GFR were aware of, tolerated and supported these activities.
4. In order to secure the activities mentioned in No. 3, the CIA supervised, and is still supervising the political, economic and cultural constitution and further development of the GFR, as a seat of government for the interests of US imperialism.

From the above mentioned points it⁹ ensues:

1. During the Indochina war the GFR was at no time willing or in the position, as a result of their historic ally, closely interwoven association with the aggressor USA, to intervene in the use of their territory for permanent logistic activities and operations.
2. The citizens of the GFR, who recognized the character of US intervention as being criminal, and as contravening international law, were doomed to failure from the beginning in their attempts to move the political authorities, right up to government level, through the influence of the so-called process of building-up political awareness, to intervene against the active aggressor on West German territory.
3. Violence was the final, permissible argument, according to the standards of international law, against the aggressor operating from the West German territory.

Protocol-extract Stammheim12. June 1976

The 2. senate at the court in Stuttgart refuses the questioning of witnesses named by the counsel for the defence in their application, dated 4. May 75.

As Prinzing can not argue against the conclusiveness of the application he has to construct the refusal out of fakified quotes from the statements by the prisoners.

Prinzing: We continue with the session.

The court has come to the following conclusion:

The questioning of witnesses to the above mentioned topics is not permissible.

Reasons:

Baader's defence counsel, lawyer Oberwinder, has asked Mr. Winslow Peck to appear as witness - obviously with the consent of the other defendants.

The witness has turned up. As topics, on which the witness is meant to be questioned, lawyer Oberwinder has named no. 1A 1, 4 - 9 of his application, dated 4.5.1976 (sound-recording 9438/39).

The defence counsel is of the opinion that the USA has committed illegal crimes in the Vietnam war and has used the territory of the Federal Government for this.

Should they be found guilty of the offences they are accused of then the defendants had the right of self defence, help in need and the right to resistance on their side according to international law, which would justify their actions according to the internal state rights of the Federal Republic.

The court has refused this application and explained that a right for resistance, which would justify such attacks, does not exist.

The named subjects of evidence are not aimed at finding the truth with regard to those offences the defendants are charged with: multiple accomplished and attempted murder - amongst others in Frankfurt - but are aimed at attacking the politics of the USA in the world and the participation of the FRG in this under the pretence of witness-hearings for reasons of agitation.

Thus the defendants have only "formally" followed even this application of their defence counsel, but the defendant Raspe has added immediatel:

'But of course we don't see our politics within the categories of international law. we don't see them within any kind of category except as the politics of the RAF, armed proletarian politics, etc. ...'

Important is the criteria of revolutionary morality.

Apart from that the defendants have left no doubt from the beginning the their aim in this trial is to continue with their political aims and to make propaganda. According to the numerous statements by the defendants and their lawyers these aims are

'political-military fights against the imperialist social system of the FRG',

the 'weakening of the imperialist world system',

the fight against the

'imperialism of international capital and its agents',

the 'worldwide antiimperialist liberation struggle, i.e. the leadership of the struggle',

and the strengthening of

'the urban guerilla'.

A judicial judgement of those offences they are charged with the defendants completely reject:

'the RAF, the guerilla, is not judiciable'.

Already in a cell-circular from the year 1974 they say with regard to the pending trial:

'We are only interested in this performance if we can turn it around.'

This coincides with a remark by one of the defendants:

'The criminological part'

(which means the hearing of witnesses with regard to the committed crimes)

'doesn't interest us in the least ... that doesn't concern us.'

In an application of challenge by the defendants against the presiding judge at the beginning of the trial it was pointed out by the defendants that the constitutional law of the FRG

'will be radically negated at its roots'.

As the reason for the challenge against the presiding judge he was characteristically reprooved that he would try

'to reduce the trial to a debate on criminal facts and prevent the raising of the issue of the role of the Federal Government of Germany in the international relation of capital and the specific role of the FRG'

in relation to US-imperialism. To sum up: the subjects for the political attacks of the RAF.'

In another passage one of the defendants characterizes as essential for the RAF

'the radical negation, the rejection of any other power and norm, of any other law except that of human power based on a critical consciousness and revolutionary power.

The process of insurrection' (the construction of a political-military front in the metropolis) 'is the kind of fair trial which we want.

This is the only kind of trial we are responsible for and any other doesn't interest us.'

To the hearing of witnesses with regard to the Vietnam war one of the defendants remarked that this hearings would establish

'the subject of this trial, precisely what can only be the subject of judicial deliberations in this case, namely the complete determination, control and order of this state internally and externally; the availability of this state internally and externally to the world internal politics of hegemony, the US-capital. This means the central strategical function of the FRG as economical, political and military sub-centre of American imperialism, here developed in its function 1) for the open aggression against 3. world countries, concrete Vietnam and 2) the hidden aggressions against the states of the W.European periphery.'

These quotes - which can be multiplied arbitrarily - are proof of what was enlarged on above: the defendants are not interested in presenting evidence and finding the truth in this trial, but instead they are only interested in political agitation with a clear aim. That the Vietnam war is pushed into the forefront is more by chance. One of the applications put forward in this trial: to treat the defendants according to martial law and to move them to a prisoner-of-war camp confirms this additionally. There they talk about the

'weakening of the imperialist world-system',

as examples for 'international resistance' they name

'Vietnam, Kambodscha, Laos, Guinea-Bissau, Mozambique, Sao Thomé, Principe'

as allies of the RAF as well as the (Arabic) PLO and the (Irish) IRA.

The same is demonstrated in the witness-application mentioned at the beginning, which had been refused by the court. According to this the witness Feck was named to give evidence

'that the territory of the FRG has since its existence been strategic base for the illegal aggressive expansion-politics of the USA against 3. countries',

'that the founding of the FRG as a state after 1945 was carried out and developed by the USA as a project of their expansive worldpower-strategy'.

All this is not accessible for inquiry proceedings (compare BGH St 17, p. 28,31) and also in so far as it is meant to demonstrate that the US-headquarters in Frankfurt - target of one of the explosion attacks - has harboured departments which have played an important part for the US-military in this war; in this case as well an inquiry would only be a starting point for the mentioned political-revolutionary agitation.

The court is obliged to confine the inquiry proceedings to that which furthers facts.

The facts are missing in an inquiry subject if "under the appearance of inquiry proceedings an objective is being pursued which deviates from the object of the trial" (Supreme Court, criminal cases Bd. 66, page 15), if they are "only meant to serve the hindrance of proceedings" (BGH St Bd. 2, page 284). Inquiries are also inadmissible according to § 245 StPO if they are "without relation to the subject of the trial and do not contribute to the factual evidence" (BGH StBd. 17, page 343 and Bd. 17 page 28). This is the case here. It doesn't change the character of it if it is done for the reason that the defendants might possibly in a subjective way have acted from the assumption that everything happens in this world in the way they have presented it: because such a superficial view and condemnation of everything that they understand under 'US-imperialism' and such-like is unfamiliar to the law - apart from the fact that the witness would not be able anyway to contribute anything to this. The defendants know this as they have shown in their statements: it is not the valid jurisdiction that they feel bound to or to which they want to justify or defend themselves. The defendant Baader stated that it was 'really just stupid demagogy to talk in terms of political motives in the face of these objective dimensions'.

The court can therefore not allow the questioning of this witness with regard to the named topics.