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English translation from www.CoronaCases.wiki

Professional ban: "Sensational judge" of Weimar put out of action

Unbelievable decision with devastating signal effect

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At the beginning of April 2021, the Weimar family court judge Christian Dettmar made a decision that made headlines all over Germany: he banned the mask, distance and test requirement at two Weimar schools because he had recognised in them a risk to the welfare of children (Weimar district court, [decision of 08.04.2021, ref.: 9 F 148/21](#)). The outcry of the Corona fanatics was enormous. And the judiciary struck with full force against judicial freedom. At the instigation of the public prosecutor's office, the homes and offices of Judge Dettmar, the children's guardian ad litem, a mother and the experts Prof. Ulrike Kämmerer, Prof. Dr. Christian Kuhbandner, Prof. Dr. Ines Kappstein and [Uli Masuth, a candidate of the party "dieBasis"](#), were searched. Mobile phones, computers and documents were confiscated by the police. Conditions that one is used to in authoritarian states. It is almost unnecessary to mention that the judge's decision was overturned.

Later, the public prosecutor's office in Erfurt brought charges against Dettmar. According to the Erfurt Regional Court, it accuses him of disregarding elementary procedural rules and violating substantive law. His decision against the management and teachers of two schools as well as the superiors of the school managements was "arbitrary". The public prosecutor's office in Thuringia is bound by the instructions of the Minister of Justice - at that time Dirk Adams of the Green Party. He had spoken out in favour of summary proceedings after Corona protests - in other words, exactly what the Greens often have a hard time doing with criminals.

Now the "Thüringer Allgemeine" reports: "The controversial Weimar district judge is temporarily no longer allowed to work as a judge. The reason for this are judgements he had previously made. This has now been decided by the Thuringian Judicial Service Court."

What a formulation! A judge has to go because he judges wrongly. So much for the rule of law in Germany. If judges don't rule the way they should, they run the risk of soon no longer being judges. What a signal effect for other judges! They will now think twice before passing a judgement that goes against the grain of politics and the 'zeitgeist'.

The Weimar family court judge now has legal recourse. His case is by no means unique. For example, the Lower Saxony Higher Administrative Court in Lüneburg [declared the 2G rule in retail trade in Lower Saxony to be unlawful](#) on 16 December 2021. The decision was made by the 13th senate of the court, which is responsible for health issues. This changed shortly afterwards. "Alexander Weichbrodt, chairman of the 13th Senate at the Lüneburg Higher Administrative Court (OVG), which is already known for its idiosyncratic decisions, is about

to be relieved of his duties," it was cynically reported by "[Rundblick - Politikjournal für Niedersachsen](#)". And further: His three-member senate, which was supplemented by a fourth judge, had been entrusted with hundreds of Corona lawsuits in the past months. From 2022 onwards, the competences will change" - and a new 14th senate will take on the issue of Corona. [This could also be read on the court's homepage](#) on 21 December: "Today, a new 14th Senate was established at the Lower Saxony Higher Administrative Court. ... With the turn of the year, the 14th Senate will also take over health law from the 13th Senate and social law from the 4th and 10th Senates as additional areas of law,".

Danger for the unpopular

The signal effect is clear: anyone who makes the wrong decision runs the risk of getting rid of their office or area of responsibility. The mechanisms behind such decisions are reminiscent of (post-)socialist states. As much as I regret having to repeat this sentence more and more often - it is not me who is responsible, but the politicians who create such conditions.

At the same time, the Weimar judge was subjected to a veritable witch hunt. In 2021, Der Spiegel wrote about the case: "[How a district court judge makes Corona deniers cheer](#)". The Hamburg paper, demoted from the former "assault gun of democracy" to the "assault gun of the government against democracy" and also equipped with donations from the Bill Gates Foundation, quoted the Erfurt district court or the indictment against the Weimar judge as follows: "According to the indictment, the accused had thereby seriously departed from law and order in order to present the alleged ineffectiveness and harmfulness of state measures to combat the corona pandemic to the public. If convicted of perverting the course of justice, the judge faces a prison sentence of between one year and five years. His decisions, which he justified with an alleged risk to the welfare of children, had caused astonishment and outrage at the time."

Backing from Karlsruhe

For me personally, the question is who actually committed perversion of justice here. The Karlsruhe Higher Regional Court [had backed the now accused judge](#). In its decision, it pointed out that the family court is obliged under § 1666 of the German Civil Code (BGB) to initiate preliminary investigations at its own discretion. According to the OLG, a family court cannot simply shift the examination of whether there is a risk to the welfare of the child to the administrative court. It had made this decision because a mother from Pforzheim had filed a complaint against the Corona school measures. Like the parents in Weimar, she saw the physical, mental and spiritual well-being of her children at risk. The Pforzheim Family Court did not want to examine the case and referred it to the Administrative Court.

The decision of the senior judges in Karlsruhe makes the charges of the public prosecutor's office in Erfurt, which is dependent on the Green Ministry of Justice, seem very strange, as does the current decision that he may no longer hold office. The suspicion is obvious that once again the judiciary is being instrumentalised to intimidate and criminalise government critics - as was the case recently with search operations, some of which were raid-like in character (see [here](#) and [here](#)).