

Attorney Dr. Reiner Fuellmich & Dr. Nicole Delépine, MD on the Importance of Recent German Court's Decision That the Lockdown Is Unconstitutional

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[German Court in Weimar Declares Lockdown Unconstitutional](#)

by [Alliance for Human Research Protection \(AHRP\)](#)

January 28, 2021

A LANDMARK legal decision declared that regional containment policies – including lockdowns, social distancing, prohibitions on gatherings by family or friends are UNCONSTITUTIONAL. The judge called the lockdowns *a “catastrophically wrong political decision with dramatic consequences for almost all areas of people’s lives.”*

The judge ruled that the government violated the *“inviolably guaranteed human dignity”* under basic German law. This momentous, affirmative, liberating decision was handed down by a court of law in Weimar, Germany; the city whose name was adopted by the first German republic: 1919–1933, until it was overturned by the Nazi regime. Hundreds of thousands of German

people have demonstrated throughout the summer and fall of 2020, some protesters compared their struggle to anti-Nazi resistance; which led Germany's Foreign Minister Heiko Maas to bristle.

Forensic analysis of official data convinced the court that the epidemic situation that was used to justify the lockdown laws does not exist. The judge ruled that the government lacked sufficient legal grounds to impose the restrictions since there was no "epidemic situation of national importance." He declared that the measures were an attack on the "foundations of our society."



Dr. Reiner Fuellisch

Dr. Reiner Fuellmich, the lawyer who initiated the first German and American complaints and procedures stated:

"We consider this judgment to be extraordinary and of fundamental importance. It is transferable to all violations of Covid19 measures. It is also transferable to the current Renewed Containment and all applicable coronavirus regulations. Because the "numbers of cases" are decreasing, as are patients in intensive care units! The judge confirms this with an excellent demonstration."

The battle over government dictatorial overreach and the assault on the rights and dignity of citizens in a democracy will be won in the courts of law.

The decision has been described by German media as

“politically explosive”!

Below [Dr. Nicole Delépine](#), MD, provides an in-depth analysis of the body of evidence that supports this momentous decision. She notes that one factor that helped Germany resist the epidemic better than other countries – such as France – is probably due to the early treatment of patients with hydroxychloroquine, antibiotics, vitamins, etc. She concludes that ***This crisis is purely political with a health pretext.***

* Dr. Delépine is a member of the Distinguished Advisory Board of the Alliance for Human Research Protection.



Nicole Delepine, MD

After PCR tests, the principle of confinement condemned by justice. Published on 1/26/2021 3:50 PM

German court declares regional lockdown UNCONSTITUTIONAL, politically major decision

Author (s): Nicole Delépine for FranceSoir

Tribune: German court declares regional containment UNCONSTITUTIONAL, politically major decision [\[1\]](#)

Will Weimar again be the site of legal revolutions as at the time when the constitution ending the empire was drawn up

after the First World War? [\[2\]](#) In any case, the judgment declaring confinement unconstitutional caused a stir in Germany and gave rise to several articles. Let us hope that it will also awaken French consciences, giving them the courage to take legal action against these liberticidal and unjustified measures inspired by the WHO which guides our governments [\[3\]](#) and promises them financial aid via the IMF like the President of Belarus has clearly stated [\[4\]](#) .

The Weimar judgment considered major

The social distancing rules imposed by the Thuringian government are deemed incompatible with the country's Constitution. Thanks to forensic analysis of official data, the judgment affirms that the epidemic situation used to justify the law does not exist. The lawyer Reiner Fueßmich who initiated the first German and American complaints and procedures comments as follows [\[5\]](#) : “ We consider this judgment to be extraordinary and of fundamental importance. It is transferable to all violations of Covid19 measures. It is also transferable to the current Renewed Containment and all applicable coronavirus regulations. Because the “numbers of cases” are decreasing, as are patients in intensive care units! The judge confirms this with an excellent demonstration . ”

Story

On the occasion of a judgment of a man having according to the accusation “violated” (here is a very big word), the strict confinement imposed by the government of the central state of Thuringia last spring, the legality of the measures imposed in Germany to curb an epidemic of questionable severity is back in the headlines. This is all the more interesting given that some countries, including ours talk about containment while the epidemic is stagnating or decreasing, that there are effective early treatments and that the overwhelming majority of hospitals are not full,

contrary to what our authorities announce here and there.

Facts

This gentleman had celebrated a birthday with his seven [\[6\]](#) friends. On 24.04.2020, the person concerned was in the evening with at least seven other people in the backyard of the house X-Straße 1 in W. to celebrate the birthday of one of the participants. The eight participants in total were distributed among seven different households. However, a stay in public space is only authorized alone, in the circle of members of his own household and, moreover, at most with another non-domestic person "according to local regulations.

The Weimar judge condemned a restriction limiting private gatherings to members of the same household and to a person outside of the same household, a rule which the accused had not respected. The judge said that the regional government itself had violated the **"inviolably guaranteed human dignity" guaranteed by Article 1 of the German Basic Law** by imposing such restrictions.

The accused was acquitted and relieved of the need to pay a fine of 200 euros (\$ 243).

No sufficient reason for confinement

According to the court, the government did not have sufficient grounds to impose these restrictions **since there was no "epidemic situation of national importance"** at the time and the health system was not at risk of failure. collapse, the Robert Koch Institute having reported that the multiplication coefficient of Covid-19 had then fallen below 1.

At no time is there any real danger that the health service will be overwhelmed by a "wave" of patients with COVID-19. According to the register established on March 17, 2020, an average of at least 40% of intensive care beds in

Germany were permanently available. In Thuringia, 378 beds were registered occupied on April 3, 36 of which were in covid-19 patients. During this time, there were 417 vacant beds. On April 16, two days before the publication of the regulation, 501 beds were recorded occupied, 56 covid-19, and 528 beds were vacant ... Thuringia recorded its highest number of covid-19 patients notified in the spring at 63 (April 28). Thus, at no time has the number of patients with COVID-19 reached a level that could have justified fears of an overflow of the health system.

This estimate of the real dangers of COVID-19 in spring 2020 is confirmed by an assessment of data from 421 clinics belonging to the Qualitätsmedizin Initiative, which found that the number of cases of acute respiratory infections (severe ARI) hospitalized in Germany in first half of 2020 was 187,174 – lower than the figure for the first half of 2019 (221,841 cases), even though that figure included cases of ARI caused by covid. The same analysis showed that the number of cases in intensive care was lower in the first half of 2020 than in 2019 ...

The judge also said that the regional government did not have the right to introduce such far-reaching measures since it was for the legislator to do so (parliament and not district courts).

The Weimar court said the spring containment of Thuringia was a **“catastrophically flawed policy decision, with dramatic consequences for almost every area of people’s lives . ”** [\[7\]](#)

Health situation and confinement: disproportionate decision

The confinement imposed in Thuringia represents “the most complete and deepest restrictions on fundamental rights in the history of the Federal Republic, ” the court said, calling these measures a “ **disproportionate** ” attack against

the " foundations of our society. "

Consequences of a regional ordinance

The decision is not legally binding outside of Weimar, although each German court can render a judgment on the constitutionality of orders issued by any authority other than the Bundestag, federal parliament or regional parliament. Unless a law has been passed, each court can contradict the regulations if they appear unjustified

Impact of the Weimar judgment among some officials and local media

*Like the other countries submitted to the WHO's international health council, containment measures are regularly re-imposed, and clearly unrelated to the virulence of the epidemic, which varies depending on the region, but faithfully following Ferguson's scheme, which had been planned in March 2020 (report 9) the succession of six confinements, in order to be able to move on to the major reset planned by the economic and world forum in Davos (read Klaus Schwab's brief available on the internet of the same name). **This crisis is purely political with a health pretext.***

Germany is once again applying strict containment quite similar to that imposed by the federal government in November and which has been extended and reinforced several times since then [\[8\]](#) . Chancellor Angela Merkel's cabinet extended the restrictions until mid-February.

Ce que nous propose Ferguson

16 March 2020

Imperial College COVID-19 Response Team

- La prophétie de l'imperial College prône le confinement quasi permanent jusqu'en décembre 2021 !

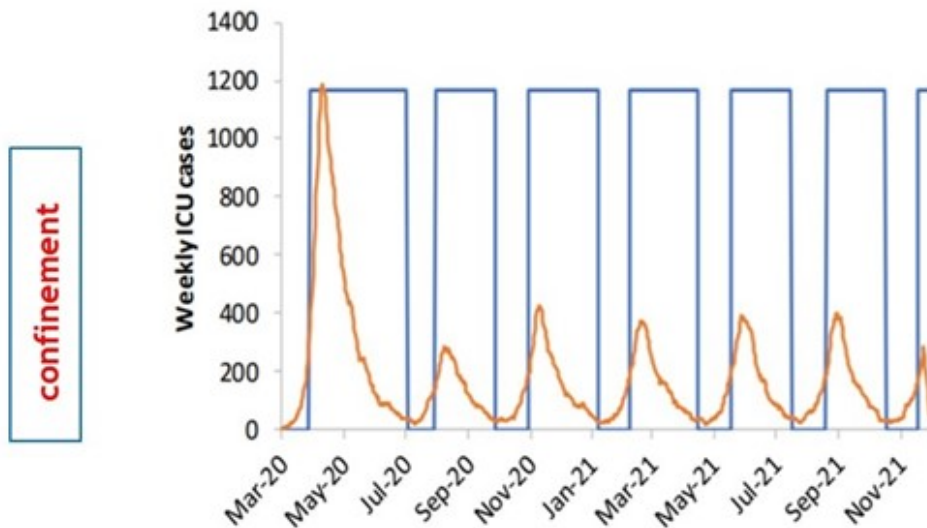


Figure 4: Illustration of adaptive triggering of suppression strategies in GB, for $R_0=2.2$, a policy of all four

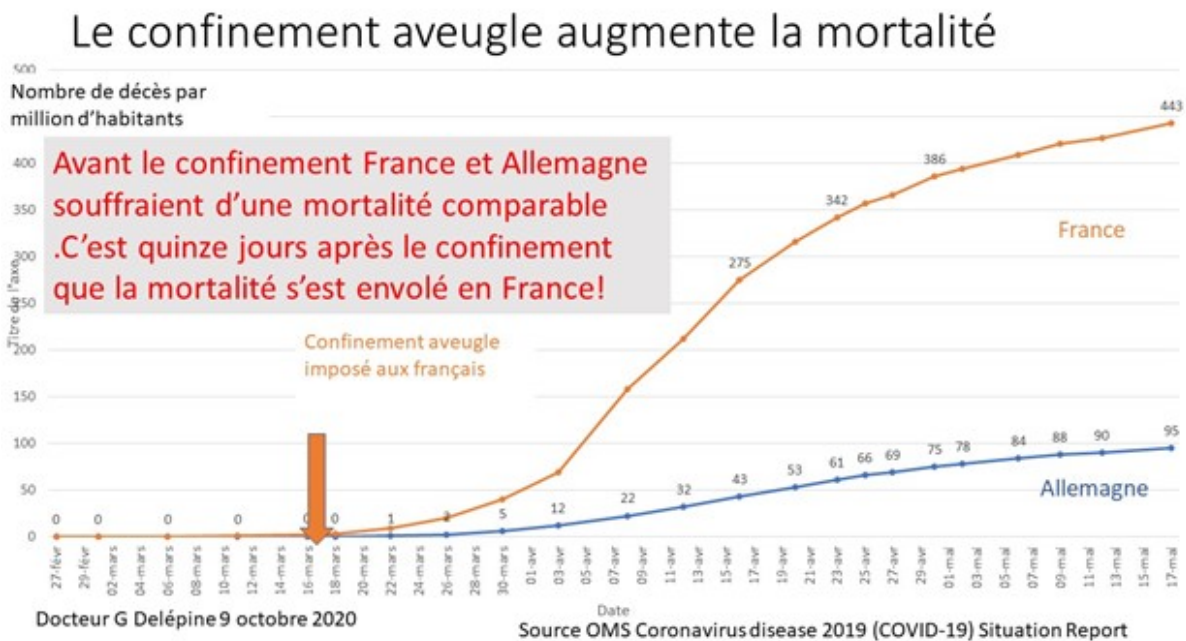
Neil Ferguson Dire Prediction

Appeal of the region against the judgment of the Weimar court

The Thuringian Regional Public Prosecutor's Office lodged a complaint against the court decision, requesting that it be reconsidered and possibly overturned, with the case being handed over to another judge. The judgment must be "revised to develop the law and ensure a unified jurisdiction" regarding the containment and its violation, a spokesperson for the prosecutor's office, Hannes Gruenseisen, told local media.

Containment is going badly in Germany, especially since the country has resisted the epidemic much better than France, probably due to the early and discreet treatment of patients with hydroxychloroquine, antibiotics and vitamins, etc., from the start, isolation patients, and consequently suffers [\[9\]](#) a lower mortality rate (622 / million at 26/1, according to the

WHO. France on the contrary has prohibited early treatment and practiced so-called blind confinement because mixing patients and healthy leading to an explosion of direct (1113 / M) and indirect mortality due to lack of care and other complications of confinement.



Comparison of Mortality – France vs Germany

Germany has seen protests against this measure on several occasions in various cities during the fall and winter of 2020. At one point, protesters even compared their struggle to anti-Nazi resistance, which did not go over well with Germany's Foreign Minister Heiko Maas.

Rationale for quashing the charge

The person concerned had to be acquitted for legal reasons because the articles on which the accusation was based are **unconstitutional and therefore canceled**. [\[10\]](#)

The court itself decided on the constitutionality of the norms, since the obligation of submission according to the consistent case law of the Federal Constitutional Court applies only to official federal and state laws, but not to

district statutory orders.

“Judgment is powerful [\[11\]](#) :

The judge concluded that there were no “unacceptable gaps in protection” that could have justified resorting to general regulations. These measures “violate the inviolable guaranteed human dignity” in article 1, paragraph 1 of the Federal Constitution. “

“Devastating accusation against the federal government .

It is striking how coldly Judge Weimar concluded this months-long discussion: the blanket contact ban is a harsh civil rights intervention. It is part of the fundamental freedoms of the individual in a free society to determine for himself with whom (on presumption of consent) and under what circumstances he or she will come into contact.

The free encounter between people for all conceivable ends is also a fundamental basis for society.

The state’s obligation in this case is categorically to refrain from any intervention that deliberately regulates and limits that measure. Questions of how many people a citizen can invite to their home or how many people a citizen can meet in a public place to walk, play sports, run errands or sit on a park bench have absolutely no legitimate interest for the state.

*By imposing a blanket ban on contact, the state – albeit with good intentions – **attacks the foundations of society** by imposing physical distance between citizens (“social distancing”).*

No one, even in January 2020, could have imagined, in Germany, to be prevented by the state under penalty of a fine from inviting their parents to their home without banning other members of their family from the house, while that they

were there. No one could have imagined that it would be forbidden to sit with three friends on a park bench. Never before in Germany had the state had the idea of imposing such measures to counter an epidemic.

Even the 2013 risk analysis "Pandemic caused by the SARS-like virus" (Bundestag publication 17/12051), which described a scenario of 7.5 million deaths in 3 years, does not consider a general ban on contacts (or ban on leaving home or general suspension of public life). Besides the quarantine and isolation of infected people, the only anti-epidemic measures he speaks of are the closure of schools, the cancellation of mass events and the question of hygiene recommendations (BT 17/12051, p . 61f).

"Although it appears that a shift in values has taken place over the months of the Covid crisis, with the consequence that many people find procedures once considered absolutely exceptional more or less 'normal' – which, of course, also changes the outlook on the Constitution – there is no doubt that by imposing a blanket contact ban, the democratic parliament has broken what was previously considered an obvious taboo.

"It should also be noted – as an aspect worthy of special attention – that the state, by imposing its general ban on contact in order to protect itself against infection, treats every citizen as a potential health threat. of third parties. If every citizen is seen as a threat from which others must be protected, that citizen is also deprived of the possibility of deciding what risks to take – which is a fundamental freedom.

A citizen's choice to visit a cafe or bar at night and run the risk of respiratory infection in the name of social interaction and fun in life, or to exercise caution because he has a weakened immune system and therefore prefers to stay at home, is suppressed under the provisions of a general contact

ban. “

The report then details the judge's examination of the collateral damage caused by the confinement.

– Declines in profits, losses suffered by companies, traders and independent professionals as direct consequences of the restrictions imposed on their freedoms. Losses for suppliers of directly affected companies; losses resulting from disruption of supply chains leading to production stoppages; losses resulting from travel restrictions.

-Wage losses due to reduced hours or unemployment

– Bankruptcies and destruction of livelihoods and consequent costs of bankruptcies and destruction of livelihoods ”.

For Berlin, the Senate administration reported a 23% increase in child abuse for the first half of 2020 [\[12\]](#) .

According to a representative survey (Steinert / Ebert), during the spring confinement period, around 3 percent of women in Germany were victims of physical violence at home, 3.6 percent were raped by their partner, and in 6 , 5 percent of all children's homes were severely punished.

The number of statistically recorded suicides in Germany is not yet available for 2020, but the Senate administration in Berlin has reported a potentially significant increase in the number of suicides.

During the spring containment, more than 908,000 operations were canceled in Germany, not only so-called non-emergency operations, such as implantation of knee and hip joint prostheses, knee arthroscopy, cataract surgeries, etc., but also 52,000 cancer operations. [\[13\]](#)

According to a meta-analysis published (British Medical Journal) in November [\[14\]](#) this delay already increases the risk of death by 6 to 13% depending on the type of cancer, an

eight week delay for breast cancer of 13%, a twelve-week deferral of 26 percent. Without being able to quantify in more detail, there is no doubt that the cancellation of the operations also resulted in deaths in Germany.

A study conducted by the Clinique du Haut-Rhin Waldshut-Tiengen [\[15\]](#) examined excess mortality in the district of Waldshut (170,000 inhabitants) in April 2020. On average, 165 people died there between 2016 and 2019 in April, compared to 227. in 2020, an excess mortality of 37%. Of the 62 additional deaths, only 34 could be associated with covid19, 28, or 45% *of excess mortality are due to other causes of death* . The study authors attribute these cases to reduced use of emergency medical facilities. Twice as many people have been found dead in their homes than the comparative average. These figures indicate that deaths are due to underutilization or delay in the use of health care.

Short, medium and long term damages were pointed out by the court

(1) Loss of schooling, teaching and impairment of psychosocial development of children due to failure or restrictions of school education or closure of other educational institutions

(2) Loss of cultural suggestions or experiences due to the closure of theaters, concert halls or opera houses and many other cultural institutions

(3) Loss of possibilities for artistic development by prohibitions which prohibit common music in orchestras or choirs.

(4) loss of community experiences / personal social cohabitation by banning meetings in associations, demonstrations, gatherings, closing bars, etc.

(5) Reduction of social development opportunities for children by closing kindergartens

(6) Isolation of children in accommodation without contact with other children by closing schools, kindergartens and play areas

The judgment report emphasizes that school is not only a place for the transmission of knowledge, but a place of social learning. School closures virtually suppress social learning and hinder the integration of children and young people.

Teaching by parents is difficult, particularly in certain disadvantaged areas. The social divide is therefore reinforced. The learning of German among children of migrant families is also seriously disrupted. “Knowledge of German? Catastrophic for a third of the pupils [\[16\]](#) .

Economic consequences of containment According to the Weimar judgment, we note

“(1) Aid provided by the Federal State and the Länder to economic agents

(2) Tax losses due to the limitation of economic activity due to confinement

(3) Partial unemployment benefits and unemployment benefits that had to be paid following confinement

(4) Social assistance for people dependent on social assistance

The “coronavirus shield”, a legislative package adopted on March 27, 2020, in Germany alone represented 1.173 billion euros (353.3 billion euros in aid, 819.7 billion euros in guarantees). The latest federal budgets were 356.4 billion euros (2019) and 346.6 billion euros (2018). Even if the guarantees provided are not per se “lost”, the overall charges are expected to reach the aggregate level of several federal budgets.

Health and economic damage in southern countries secondary to

confinements in rich western countries

The collateral damage already occurred or to be expected is enormous. The reasons are the interruption of tuberculosis control programs, childhood disease immunization programs, interruptions in food supply due to collapsed supply chains, etc.

The UN predicts the famine of more than 10,000 children per month during the first year of the pandemic (more than 10,000 children die of hunger each month due to covid19 [\[17\]](#)

In Africa alone, according to Federal Development Minister Müller, ***400,000 additional victims are expected from malaria and HIV and half a million deaths from tuberculosis as a result of confinement*** (more victims by confinement than by virus: In Africa, crises have been dramatically worsened, according to an article by John Ioannidis [\[18\]](#) **1.4 million more deaths from tuberculosis are even expected over the next five years** .

In the long term, containment-related excess mortality will likely be significantly larger than the death toll from COVID 19.

Since the containment policy in Thuringia is part of a general policy of almost all western industrialized countries, this damage is the indirect consequence also attributable to the pro rata and is therefore in principle linked to the examination of **proportionality** .

For this reason alone, the standards to be assessed here do not meet the requirement of proportionality. Added to this are the direct and indirect restrictions on freedom, gigantic financial damage, immense damage to health and spiritual damage.

The word "**disproportionate**" is too colorless to indicate the dimensions of what happened. The containment policy

implemented by the Land government in the spring (and today again), of which the general ban on contact was (and remains) essential, is a ***catastrophic political error, with dramatic consequences for almost all sectors of human life, for society, for the State and for the countries of the South of the whole world*** ”.

Constitutionality of standards

In the case of legal ordinances which have not been adopted by the Bundestag or a regional parliament, each court is authorized to decide for itself their constitutionality. The articles cited [\[19\]](#) by the prosecution are not constitutional, because they are not based on a law passed in parliament.

They are unconstitutional for formal reasons, as provisions which deeply infringe on fundamental rights are not covered by the **legal enabling basis in the Infection Protection Act**.

The legislator must himself take all the essential decisions in fundamental normative fields, in particular in the field of the exercise of fundamental rights – insofar as this state regulation is accessible – and must not delegate them to the executive. regional.

The more essential legal regulations or other executive acts interfere with fundamental rights, the more specific the provisions of the implementing law must be.

Attack on human dignity

Thus with regard to isolation and prohibition of contact with people outside the family, a general prohibition of contact poses – at least – the question of **the violation of the guarantee of human dignity**.

Here the prohibition poses a problem because it constitutes a serious attack on the general freedom of action and also on the freedom of assembly, association, religion, profession and

art, not only because it is addressed to all citizens, regardless of whether or not they are suspected of disease or contamination.

By prohibiting all citizens from meeting with more than one person outside the household, by prohibiting it not only in the public space, but also in freedoms in the family nucleus, the general prohibition of contact inevitably leads to other restrictions on fundamental rights.

Federal law provides that if persons suspected of disease, contamination of a communicable disease have been identified, the restriction can only be taken "to the extent necessary to prevent the spread of the disease", the latter not being nothing more than an explicit reference **to the principle of proportionality already in force.**

These are only absolute minimum conditions. The law can only carry individual measures, such as the closure of (individual) seaside resorts and not a general ban on contact.

To the extent that a general contact ban can be constitutionally compliant, at least precise regulation of the organizational conditions should be required in order to concretize precisely the necessary dangerous situation, but concrete provisions would also be necessary from the point of view legal consequences.

The principle of the rule of law is the imperative of precision in legislation. Laws cannot simply impose general regulations, which would give the authorities the license to act on whims, which would amount to an arbitrary rule.

According to the Federal Infection Protection Act (API), "competent authorities" must impose "the required security measures". Normally, this means that spreaders or those suspected of spreading infection may be placed isolated or contaminated areas closed.

The more a legal act of the executive intervenes in fundamental rights, the more the regulations of the enabling law must be PRECISE.

Intervention-intensive measures which, in themselves, require a specific regime, can only be authorized in the context of “unforeseen developments” using general clauses, this condition is not fulfilled as it stands.

Responsible local containment in proportion to the consequences in industrialized countries, linked to the proportionality test .

“There is no doubt that the number of deaths attributable to the measures of the containment policy exceeds by several times the number of deaths avoided by it. For this reason alone, the standards to be assessed here do not meet the requirement of proportionality. Added to this are the direct and indirect restrictions on freedom, gigantic financial damage, immense damage to health and spiritual damage”.

The word “disproportionate” is too colorless to indicate the dimensions of what happened.

[\[1\] Un tribunal allemand déclare le confinement régional INCONSTITUTIONNEL dans une décision «politiquement explosive» \(exoportail.com\)](#)

[\[2\]](#) Nom donné au régime de l'Allemagne après la Première Guerre mondiale (1919-1933).

Née de l'effondrement du régime impérial, la première république allemande, proclamée par le social-démocrate Scheidemann à Berlin, le 9 novembre 1918, ne prend forme qu'après l'écrasement de la révolution spartakiste (novembre 1918-janvier 1919). Elle tire son nom de la ville où se réunit en février 1919 une Assemblée nationale dominée par les

sociaux-démocrates et les modérés, dont les travaux aboutissent à la promulgation (août 1919) d'une Constitution qui fait de l'Allemagne un État fédéral, le Reich, composé de 17 États (Länder) autonomes, eux-mêmes représentés au Reichsrat.

Encyclopédie Larousse en ligne – République de Weimar

[\[3\] Le conseil mondial de l'OMS dicte très officiellement la conduite sanitaire des pays signataires dont la France \(francesoir.fr\)](#)

[\[4\]](#) 950 Millions d'euros lui furent promis s'il confinait son pays. Il a dit non et raconté que d'autres pays avaient refusé mais soupçonnait que les plus obéissants avaient cédé au mirage de l'argent facile.

[\[5\]](#) Tribunal d'instance Weimar 6 OWi-523 Js 202518/20 : Free Download, Borrow, Streaming : Internet Archive <https://archive.org/details/tribunal-dinstance-weimar-6-owi-523-js-202518-20> via

@internetarchive

[\[6\]](#) pas une rave partie à 2000 qui au passage n'a d'ailleurs pas entraîné aucune vague de malades du Covid, ni même de poussée de contaminations, ni le moindre cluster

[\[7\]](#) Tribunal d'instance Weimar, jugement du 11.01.2021 – 6 OWi-523 Js 202518/20 from Éditions Dédicaces <https://www.rt.com/news/513443-german-court-covid-unconstitutional/> et <https://openjur.de/u/2316798.html>

[\[8\]](#) Néanmoins toujours moins rigide qu'en France

[\[9\]](#) Nous n'en avons eu confirmation que très tardivement

[\[10\]](#) Le tribunal a décidé lui-même de la constitutionnalité des normes, car l'obligation de soumission selon l'article 100 Abs.1 GG selon la jurisprudence constante de la Cour

constitutionnelle fédérale (BVerfG, arrêts du 20 mars 1952, 1 BvL 12/51, 1 BvL 15/51, 1 BvL 16/51, 1 BvL 24/51, 1 BvL 28/51) s'applique uniquement aux lois officielles fédérales et des États, mais pas aux ordonnances statutaires.

[11] 2020news traduction de Northumbrian Nomad

[12] Le niveau journalier du 02.07.2020, <https://www.tagesspiegel.de/berlin/corona-krise-trifft-frauen-und-kinder-besonders-gewalt-eskaliert-in-berlin-immer-haeufiger/25970410.html>).

[13] <https://www.welt.de/wirtschaft/article208557665/Wegen-Corona-In-Deutschland-wurden-908-000-OPs-aufgeschoben.html>).

[14] Hanna, Mortality due to cancer treatment delay: systematic review and meta-analysis, BMJ 2020, 371, <https://www.bmj.com/content/371/bmj.m4087>)

[15] (Kortüm, Corona-Independent Excess Mortality Due to Reduced Use of Emergency Medical Care in the Corona Pandemic: A Population-Based Observational Study, <https://www.medrxiv.org/content/10.1101/2020.10.27.20220558v1>)

[16] » . MONDE du 11.01.2021, <https://www.welt.de/politik/deutschland/plus224000152/Geschlossene-Schulen-Was-das-fuer-Kinder-in-sozialen-Brennpunkten-bedeutet.html>),

[17] https://rp-online.de/panorama/coronavirus/mehr-als-10000-kinder-verhungern-jeden-monat-krise-durch-corona-verschaerft_aid-52446949).

[18] Global perspective of COVID-19 epidemiology for a full-cycle pandemic, <https://onlinelibrary.wiley.com/doi/full/10.1111/eci.13423>),

[19] III.L'article 2, paragraphe 1, et l'article 3, paragraphe

3, paragraphe 1, 3. ThürSARS-CoV-2-EindmaßnV0

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