

Criminal Charge of Mai 30, 2000

Dear Mr. Kleber,

District attorney's office
Chemnitz

I suspended the preliminary proceedings with decree of the 25.10.2000 in accordance with § 170 paragraph 2 German penal proceedings.

Reasons:

The litigant claimed that the accused, in an article of the newspaper "Freibärger", issue May 2000, called him a Neonazi and, by so doing, insulted him. Furthermore without permission, a picture of the litigant had been published.

A punishable offense in the sense of § 185 German Penal Code was not committed, the accused did not surpass the limits of the freedom of the press. In judging the question whether the label Neonazi is an insult, it is decisive how an impartial, knowledgeable, average reader understands the remark. For this, the objective sense of the content (content of the statements) is decisive, i.e., what has been expressed by using the term Neonazi, rather than what the accused wanted to express or how the litigant as the concerned party understands it. Especially before the background of the current "right wing violence", as it is discussed in the public, the word Neonazi is used as a collective term for all persons who are somehow connected to the political right, without making a difference regarding the actual membership to certain groups of the political right. Therefore, the label used here is no offense, but rather assigns the litigant to a group to which he actually belongs. As the regional chairman of the youth organization of the Association of Regional Compatriots from Saxony and Lower Silesia, he certainly is to be categorized as right wing oriented.

Sincerely

sgd.

District Attorney as group leader