

[DE] Supreme Court upholds decision against operators of Altermedia Deutschland web platform

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In a recently published decision of 5 June 2019, the German Bundesgerichtshof (Federal Supreme Court - BGH), Germany's highest civil and criminal court, largely confirmed several prison sentences imposed against the operators of the right-wing extremist Internet platform 'Altermedia Deutschland'. The defendants had appealed against a ruling of the Oberlandesgericht Stuttgart (Stuttgart Higher Regional Court) imposing immediate or suspended prison sentences on one of them for leading a criminal organisation and sedition, and on the others for being members of a criminal organisation and sedition or aiding and abetting sedition. The sentence of one defendant, accused of aiding and abetting sedition, was quashed, but otherwise the appeal was dismissed.

The defendants operated the 'altermedia-deutschland.info' web portal between 2012 and 2016. Until it was shut down, the website featured content aimed at supporters of radical right-wing and Nazi ideology. Users of the site were also able to share opinions in online forums, where they posted illegal content and comments that incited violence against foreigners, refugees, Muslims and Jews by using terms such as parasites, scroungers, garbage and diseases. Denials of the murder of hundreds of thousands of Jews at the Auschwitz concentration camp and other crimes committed under Nazi rule were also published on the site. Sedition and the denial of acts carried out under Nazi rule are punishable in Germany under Article 130 of the Strafgesetzbuch (Criminal Code - StGB).

The court believed it was proven that the platform's operators had approved of the publication of such illegal content. The four defendants were given prison sentences ranging from eight months to two and a half years, some of which were suspended. The court stopped the proceedings concerning the aiding and abetting of sedition because no charges had been brought. The ruling is final.

The German Federal Ministry of the Interior had ordered the closure of the platform and its social media outlets in January 2016.

Pressemitteilung vom 31. Juli 2019 des Bundesgerichtshofs - Beschlüsse vom 5. Juni 2019 - 3 StR 337/18

<https://www.bundesgerichtshof.de/SharedDocs/Pressemitteilungen/DE/2019/2019101.html?nn=1069086>

*Federal Supreme Court press release of 31 July 2019 – Decisions of 5 June 2019 –
3 StR 33 7/18*

