

SUPREME COURT

Decision

File ref.:

3 Ws 92/12 - 121 Zs 3294/11
222 Js 4 4 04/11

In the preliminary proceedings against

Chancellor Dr. Angela Merkel et. al

On the accusation of breach of trust

the 3rd Criminal Division of the Supreme Court in Berlin
decided on 27th February 2012 as follows:

The application of Lawyer Simon G. Jakob, 69115
Heidelberg, Bergheimer Straße 49, for the court's
decision against the decision of the Berlin Public
Prosecutor's Office of 6th January 2012 is rejected as
inadmissible.

Grounds:

The Berlin Public Prosecutor's Office rejected the complaint of the applicant, with which he has challenged the discontinuation of the investigative proceedings by the Berlin Public Prosecutor's Office initiated against the accused because of accusations of breach of trust, by its decision of 6th January 2012. His application for a decision by this court is therefore inadmissible.

The applicant is of the opinion that his "fundamental, legally - even criminally - justified interest" as a taxpayer, has been damaged by a letter of the Chancellor which she published in newspapers, periodicals and on the Internet, in that tax funds paid by him were used for other than state purposes.

The applicant is not thereby entitled to make an application for judicial decision. This would require that the legal rights of the applicant were directly violated by the alleged act (see Meyer-Goßner, StPO 54. Aufl., § 172 Rdn. 9). This is not so in the case in question. Although the concept of the injured party in the enforcement proceedings may be broadly interpreted, this interpretation finds its limit in the clearly identifiable legislative intention, in the text of the law and in the systematic context, to exclude superfluous litigation by the use of the concept of injury, and to require a specific, personal effect of the alleged offence on the applicant above and beyond the general effect and in breach of the norm (see Graalman-Scheerer in Löwe-Rosenberg, StPO 26. Aufl., § 172 Rdn. 50). It is therefore

insufficient that the applicant is affected by the action just like any other citizen (see Senate, Decision of 10th August 2011 - 3 Ws 406/11 -; Meyer-Goßner, a.a.O., Rdn. 10).

Libera

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