



TEACHING HISTORY OF TRANSITION IN EUROPE

A HANDBOOK FOR HISTORY
AND CIVIC EDUCATION

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GERMANY: VICTIMS AND PERPETRATORS IN THE TRIALS AGAINST THE SO-CALLED WALL-SHOOTERS. HOW CAN A CONSTITUTIONAL STATE TODAY JUDGE PAST INJUSTICES?

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I. Overview

The teaching unit consists of two double lessons and one single lesson. It is aimed at students of an advanced history course, who usually attend five lessons per week. In five steps they discuss, against the background of increasingly complex information, whether the former German Democratic Republic (GDR) border soldiers who shot at fleeing GDR citizens during their service at the inner-German border are guilty of a criminal offence.

- In the first step, the teacher will give a short introductory lecture on legal and political controversies surrounding the so-called “Mauerschützenprozesse” (wall-shooting trials) in reunified Germany.
- In the second step, the students reconstruct the concrete course of events on the basis of a descriptive text and vote for the first time in a secret ballot on whether or not the border soldiers are guilty of manslaughter, from their point of view.
- In the third step, in group work based on a division of labour, they either deal with the personal background of perpetrators and victims or with legal aspects of the crime. The working groups present the results of their work to each other. After each presentation there is a vote on the question of guilt.
- In the fourth step, the teacher explains to the students how the Berlin Regional Court and the Federal Supreme Court decided in the case.
- In the fifth step, the students reflect on their voting behaviour at the various stations in a homework assignment, explaining the reasons behind the decisions they have made and how their position may have changed in the course of the lesson.

II. Students' age

17-19 years

III. Objectives

The focus is on the development of orientation and judgment skills. As the students acquire knowledge, they come to understand how complex the historical events negotiated in the Wall Shooter Trials are. They understand that different

people hold different positions on this issue and the reasons behind this. They may even realize how their own judgement may have changed in the light of new facts. Students acquire the key competence of ambiguity tolerance.

IV. Key concepts

The teaching unit is based on the content and methodological requirements formulated in the History Framework Curriculum for upper classes in Berlin. It offers the opportunity (i) to deal with history as a controversy, (ii) to gain insights into the connection between history and law, and (iii) to deal with human rights violations after 1945 and their legal treatment after 1989. Methodologically, students learn to (i) independently compare and judge different sources and interpretations of the past, (ii) independently analyse normative texts, (iii) confidently describe and judge a (scientific, political) controversy.

V. Key question

What challenges does the rule of law face in judging injustices committed in a political system that is not built on the rule of law?

VI. Prior knowledge

The students must reactivate knowledge about the construction of the wall in 1961 and about the system of the GDR.

VII. Step-by-step description of the lesson

First double lesson

The teacher reminds the students of the construction of the wall, introduces the problems of the wall-shooting trials, and refers to controversial social debates in reunified Germany. In order to arouse the interest of the students, the teacher thematizes the case of Chris Gueffroy, who was shot at the wall, and projects a press photo of his mother, surrounded by her lawyers, on the wall. He or she explains that Mrs Gueffroy has called for the border guards who shot her son to be convicted of murder. (5 minutes)

Following this, the students gather in small groups to trace back the course of the escape and shooting of Chris Gueffroy. They read a narrative text from the Chronicle of the Wall and highlight the facts which, in their view, are particularly relevant for a discussion of the case (see APPENDIX – SOURCE A, p. 152). The results are gathered in plenary. The teacher creates a timeline based on the discussion. Then the first secret ballot takes place in which the students decide whether the border soldiers are guilty of manslaughter from their point of view or not (approx. 40 minutes).

Afterwards, three different groups of students will work in groups on materials on different aspects of the Gueffroy case. At each stage, the work is to be pre-structured through work assignments. The students are informed that they can revise their notes at home and have 20 minutes at the beginning of the next double lesson to prepare their presentation. (45 minutes)

- At the first stage, they examine information on victims and perpetrators (see APPENDIX – SOURCE B, p. 153): Who was Chris Gueffroy? What do we know about the border guards? In analysing the material, they (i) highlight information which, from their perspective, could be legally relevant to a trial, (ii) work out arguments to which the defenders of the so-called “Mauerschützen” can refer, and (iii) evaluate the border soldiers’ personal guilt based on their own sense of justice.
- At the second stage the students work out what statements legal acts under the GDR make concerning the so-called shooting order. In concrete terms, they analyse decrees on the firing order, passages on the right to refuse to obey orders in GDR criminal law and international legal acts signed by the GDR (See APPENDIX – SOURCE C, p. 156). As a result, they explain (i) when the so-called “order to shoot” was legally ordered, (ii) what consequences this legal order had for GDR soldiers and citizens and (iii) to which conditions the lawmakers bound the use of firearms and to what extent they formulated exceptions. In addition, they justify to what extent the international legal act signed by the GDR is important with regard to the so-called shooting order.
- At the third stage, the students identify the central arguments of the so-called Radbruch formula (See APPENDIX – SOURCE D, p. 158) and justify the extent to which this formula can be applied in the so-called “Mauerschützenprozesse” (wall-shooter trials) from their point of view. They proceed in three steps. (i) They define positive and natural law and describe the historical context for which the formula was developed. (ii) Then they explain the two reasons which, according to Radbruch, make it possible to convict a person of an act which is not punishable under existing positive law and explain to what extent Radbruch himself makes a difference between these two reasons. (iii) Finally, they will discuss the applicability of the formula in the Wall Shooter Trials.

Second double lesson

The results obtained in the three working groups are visualized on a poster. The group chooses a presenter (20 minutes).

The first two give a 15-minute presentation of their results, based on their posters. The audience takes notes and is given 10 minutes to ask questions. After each of the two presentations, participants vote on the guilt of the border guards. (2x30 minutes)

Concluding lesson

Following the same pattern as in the previous double lesson, the third group presents their poster, classmates ask questions and take another vote. (30 minutes)

Afterwards, the students reflect on the overall week in plenary based on three guiding questions: Who consistently voted the same way? Who changed their position over the course of the week? What were the reasons for this? (10 minutes)

At the end of the lesson, the teacher refers once again to the social uncertainty in dealing with the Mauerschützenprozesse and recapitulates the verdicts that were passed (See APPENDIX – SOURCE E, *p. 160*). The teacher refers to the verdict of the Berlin Regional Court, which initially sentenced the shooter to three years and six months, then mentions that the verdict was overturned by the Federal Supreme Court on the grounds that the shooter himself was in a certain sense a victim of the border regime, and then points out that the shooter was given a suspended sentence of two years.

Assessment

Assessment is based both (i) on the poster produced in the groups, the presentation, and the reaction to questions from classmates (ii), and on written homework assigned at the end of the lesson, where students reflect on and justify their voting behaviour over the course of the week.

Materials and tools

- All materials must be printed out for all participants.
- The three groups each need one A3 sheet to make the poster.
- For the four votes, a ballot box and ballot papers must be prepared on which the students can tick guilty or not guilty.
- To record the results of the four votes, a table with four columns must be prepared in advance.

APPENDIX

SOURCE A: Case reconstruction

'The Death of Chris Gueffroy', In: *Chronicle of the Wall*

In May 1989, the 20-year-old waiter, Chris Gueffroy, from East Berlin is supposed to be drafted into the National People's Army. But he wants to travel, to see America, this is his big dream. [...]

Being locked up and knowing that it will always be like this, that he will never be free to decide for himself where he wants to live, is increasingly unbearable for the 20-year-old. When Chris Gueffroy learns in early 1989 that he is scheduled to be drafted into the National People's Army in May, he and Christian G. decide to leave the GDR in mid-January.

The two young men do not want to apply for departure. They fear the usual harassment at work and in their private lives that this entails. They learn from friends that the order to shoot has been suspended. Now it is clear to them: they will try to escape to West Berlin over the Wall. When Chris Gueffroy and Christian G. hear that the Swedish Prime Minister is expected for a state visit to East Berlin in early February 1989, they decide to try to escape on the 5th of February. They cannot imagine that, during a state visit, refugees could be shot at. In case they are arrested, they expect to be deported to the West soon. [...]

On 5 February 1989, at around 9 p.m., the two young men leave their shared home, heading for the border area. [...] Around 10.30 p.m. they reach the "Harmonie" allotment gardens in the East Berlin district of Treptow. They wait in a tool shed for more than an hour and observe the border area in order to find a suitable time. Around 11.30 p.m. they approach the barrier installations in front of the Britzer Zweigkanal. [...] They have two homemade grappling hooks with them, which should help them to get across the barriers. Undiscovered, the two sporty young men give each other a leg up over the three-metre-high Hinterland wall. Christian G. reaches the top of the wall first and from there helps Chris Gueffroy up. They leave one of the grappling hooks behind. As they crawl through the signal fence, they trigger a visual and acoustic alarm. While the two men run towards the last barrier element, an approximately three-metre-high expanded metal fence, they are taken under fire by a couple of border guards. In order to escape the shots, they run along the fence in the opposite direction – and come under fire from a second couple of guards. When the attempt to overcome the last fence with the second grappling hook fails, the two try it again with a leg-up. About 40 metres away from Chris Gueffroy, a border guard squats down and fires single shots at his feet; he does indeed hit his target, but the person hit is in shock and shows no reaction. Then the shooter aims higher. With his back to the fence, a bullet hits Chris Gueffroy in the heart. He collapses and dies within minutes from the consequences of his serious injury. [...]

In the West as well as in the East, many residents of the border area register the nightly shots. A West Berlin witness tells the police that he heard at least ten shots and saw two men, one of whom was lying lifeless on the ground, being taken away. [...]

Chris Gueffroy's mother also heard the shots. Two days later, one of his friends visits her. He tells her about her son's plan to escape – and that the shots may have been aimed at him. That same evening the state security picks her up in order to “clarify the facts of a case”. After hours of interrogation, she finally learns that her son is dead. Staff of the GDR Ministry for “State Security” (Stasi) tell her that Chris Gueffroy was seriously injured in an attack on a “military security zone” of the GDR and died “despite immediate medical treatment”.

Work assignments

- Mark those pieces of information which, from your perspective, could be legally relevant at a trial. (AFB 1)
- Using the marked information, create a timeline of the escape attempt and its consequences (AFB 2).
- Assess the behaviour of the border guards. (Would you find them guilty? Give reasons).

SOURCE B: Working Groups

Victims and perpetrators? Who was Chris Gueffroy? What do we know about the border soldiers?

Chris Gueffroy, born on 21 June 1968 in Pasewalk, moves to Berlin with his mother when he is five years old. In third grade, sports investigators discover his gymnastics talent and assign him to the children's and youth sports school of FC Dynamo Berlin. Chris Gueffroy has high hopes for a career as a gymnast, but at the same time feels increasingly restricted in the state-regulated daily routine. When he refuses to pursue an officer's career in the National People's Army after school, he is not admitted to the Abitur. His dreams of becoming an actor or pilot are thus shattered. In September 1985 he starts an apprenticeship as a waiter at the airport restaurant Schönefeld near Berlin and then works in various restaurants. Although Chris Gueffroy has both an above-average income as a waiter and a certain amount of freedom, he also gets to know the dark sides of his profession. In front of his mother, he emphasizes again and again how corruption in the restaurant business disgusts him. His friend Christian G., whom he met at catering school, feels the same way.⁷⁹

⁷⁹ Udo Baron, U. & Hertle, H.-H.: In: Chronicle of the Wall – Victims at the Wall. Available at: <https://www.chronik-der-mauer.de/en/victims/180603/gueffroy-chris>.

Had I... would I ... could I... Mike Sch. is 26 years old. He could be a happy man: nice wife, two little boys, six and four years old, nice flat in a new development area in Dresden, good job as a milling cutter. For one and a half years he has been free to elect whom he wants and travel where he wants. Mike Sch. could enjoy his life. If it weren't for the tormenting thoughts that keep haunting him, which all begin with: Would have. Would have. Could.

If only this boy had chosen another escape route ... If only I hadn't been on duty that night ... If only I could bring the boy back to life... And then this terrible dream that keeps coming back, short, and intense and always the same. "I see the flashing alarm light at the border, and how the red glow shines back from the metal fence. Nothing more. Then Sch. wakes up covered in sweat and relives once again the night from February 5 to 6, 1989, when he, a corporal in the GDR border troops, helped kill a young person and botched his own life.

Collapsed on the armchair in his living room, his face ashen, Mike Sch. describes how he experienced this evening of 5 February. He and his comrade Ingo H. had detected from the watchtower on Britzer Allee the trucks with the relay and were on their way down when suddenly the alarm light flashed. Then Sch. knew that his great wish had been dashed: to get through the one-and-a-half year border service without an "emergency". He knew that "border violators" had touched the trigger wire. And he knew that he had to stop them, by any means necessary.

The alarm light flashed red, which meant that the refugees were in the adjacent guard section, near the border post "Straße 16" where Andreas K. and Peter S. were on duty. Mike Sch.: "We were just walking out of the tower, as the S. shouted "Stop, border guard, stop!" and fired a warning shot. We had to stay in our guard area in such a case, but there the two men ran in at an angle. They ran like scalded cats." K. and S. fired, K.'s Kalashnikov was set on continuous fire. Nevertheless, the refugees reached the extended metal fence. And then Mike Sch. said the words of which he is ashamed today, which will soon bring him an indictment: "Now we, too, have to shoot, otherwise they'll be gone."⁸⁰

Stasi carried corpses away from the Berlin Wall

Mike Sch. was the post commander, with the authority to give orders to Ingo H. He does not know whether his subordinate would have fired even without the order. Nor can he say any more why he did not pull the trigger himself, although he already had his pistol in his hand. He only knows: Ingo H. shot. And the man who had been preparing to give the other one a leg-up collapsed at the fence.

⁸⁰ Hoidn-Borchers, A. & Krause, W. (1991): 'Das Blut an ihren Händen' [The blood on their hands]. In: Stern 23/1991.

In the meantime, the “Government Crime Task Force” based in Berlin is investigating 153 cases against border soldiers who have shot or injured refugees. Several other cases are pending at the public prosecutor’s offices of various federal states. The Berlin judiciary is aware of the names of 38 shooters. Mike Sch. and his three comrades are among them.

Before the end of this year, says justice spokeswoman Jutta Burghart, the public prosecutor’s office hopes to “conclude the investigations in one case or another”. If convicted, the perpetrators face a prison sentence of no less than five years for manslaughter. However, no one has been arrested yet.

Since the beginning of last week, Honecker’s “accomplices” in the matter of the shooting order, the former SED greets Hans Albrecht, Heinz Kessler, Erich Mielke, Willi Stoph and Fritz Streletz, have been in custody. Reason for detention: incitement to manslaughter.

In the wrong place at the wrong time?

Mike Sch. rather shrugged off the news of the arrests. How does it help him that now finally those who were actually responsible for the fatal shots are to be brought to justice? He must continue to live with the (self-) accusation of being a “wall murderer” because he gave an order.

Mike Sch. is a perpetrator, but also a victim of a regime that had men, women and young people shot who only wanted to get from one country to another. Mike Sch. says he was “broken”. He was just out of luck compared to most of his comrades: He was just in the wrong place at the wrong time.

The 27-year-old Andreas K. initially refused to shoot at people and was then seconded to kitchen duty. His comrades had therefore ridiculed him with the nickname “**cockroach**”. He was allowed to take part in the border patrols only after he had given a written undertaking to shoot as well.

The 26-year-old shooter Ingo H. claims that he actually considered firing shots at fleeing people to be a crime, at least before he took on service with the border troops – a proof of his “political indoctrination”, as his defence counsel points out. The ordinary border guards, he continues, acted solely on orders from above. Anyone who prevented a “border breakthrough” – whether or not it was fatal – was also rewarded with special leave, commendations and money prizes. Acquittal is therefore the unanimous request of the nine defence counsellors.⁸¹

Work assignments

- Mark those pieces of information that, from your perspective, could be legally relevant to a trial. (AFB1)

⁸¹ Frenzel, E. (2014). ‘Die Grenze des Rechtsstaats’ [‘The limits of the rule of law’]. In: Der Spiegel 7.11.2014.

- Work out arguments to which the defenders of the so-called Wall gunmen can refer.
- Evaluate the border guards' personal sense of justice.

SOURCE C: Which law applies?

GDR law and the firing order

Order of the Minister of National Defence No 76/61 dated 6.10.1961

All formations, units and troops of the National People's Army's Frontier Command are instructed to ensure the inviolability of the borders of the German Democratic Republic in every situation and to prevent any violation of its sovereignty. For the further securing of the national borders of the German Democratic Republic I order the following:

1. the provisions on the use of firearms of DV-10/4... ... shall apply with immediate effect to the guards, posts, and patrols of the border guards of the National People's Army [...] In extension of these provisions, the guards [...] shall be obliged to use the firearm for the following purposes:

- To arrest, detain or destroy armed persons or armed bandit groups who have entered the territory of the GDR or are trying to break through the border to the Western Zone, if they do not comply with the order to lay down their weapons or try to evade their arrest or detention by threatening with a weapon or using a weapon.
- To repel armed attacks or attacks on the territory of the German Democratic Republic, on the population in the border area, on border guards or members of other armed organs of the German Democratic Republic in the border area.
- To arrest persons who do not comply with the orders of the border guards by not stopping on call "Stop – stop – border guard" or after firing a warning shot, but who are obviously trying to violate the state border of the German Democratic Republic and when there is no other possibility of arrest.

Law on the State Border of the GDR, 25 March 1982

Section 27 Use of firearms

(1) The use of firearms is the ultimate measure of violence against persons. The firearm may only be used in cases where physical impact without or with aids has been unsuccessful or obviously does not promise success. [...]

(2) The use of firearms is justified in order to prevent the imminent execution or continuation of an offence which, under the given circumstances, appears to

be criminal. It is also justified for the purpose of apprehending persons strongly suspected of having committed a crime.

(3) The use of firearms shall, in principle, be announced by shouting or firing a warning shot, unless an imminent danger can be prevented or eliminated only by the targeted use of firearms.

(4) Firearms shall not be used, if

a)...

b)...

c)...

Against young people and women wherever possible.

2. The right to refuse to obey orders in the GDR

Criminal Code of the GDR dated 12.1.1968

Section 258. Acting on command

(1) A military person shall not be held criminally responsible for an act committed in the execution of the order of a superior, except where the execution of the order manifestly contravenes accepted standards of international law or criminal law.

(2) ...

(3) Refusal or non-execution of an order, the execution of which would be contrary to accepted norms of international law or criminal law, shall not give rise to criminal liability

3. International legal instruments signed by the GDR

3.1 Universal Declaration of Human Rights

Article 3: Everyone has the right to life, liberty, and security of person.

Article 13: Everyone has the right to move and reside freely within a State. Everyone has the right to leave any country, including his own, and to return to his country.

International Covenant on Civil and Political Rights

Signed by the GDR in 1974

Article 12

1) Everyone who is lawfully resident in the territory of a State shall have the right to move and reside freely there.

2) Everyone is free to leave any country, including his own.

3) The above rights may be restricted only if such restriction is provided for by law and is necessary to protect national security, public order (ordre public),

public health, public morality or the rights and freedoms of others, and provided that such restriction is compatible with the other rights recognized in the Covenant.

Work assignments

- Analyse the legal acts on the order to shoot and explain against this background (i) when the so-called order to shoot was legally ordered, (ii) what consequences this legal order had for soldiers and citizens of the GDR and (iii) what were the requirements the legislator applied to the use of firearms, and what were the exceptions it stated for such use.
- Explain to what extent the acts of international law signed by the GDR are important in relation to the so-called order to shoot.

SOURCE D: The Radbruch formula

Who was Radbruch?

Gustav Radbruch, born 1878 in Lübeck and died 1949 in Heidelberg. He was a German politician and jurist; from 1898 he studied law in Munich, Leipzig and Berlin; he received his doctorate in 1902 under a liberal doctoral supervisor in Berlin; was habilitated in 1903 in Heidelberg; in 1910, following several lectureships, he became professor of criminal law in Heidelberg; in 1914, he went to the university of Königsberg, but shortly afterwards he volunteered for World War I; Radbruch sympathized with Social Democracy at an early age; joined the Party in 1918, as his career would otherwise have ended; became a professor in Kiel in 1919 against the bitter opposition of his colleagues; was elected to the Reichstag in 1920; was Minister of Justice for some time; returned to the University of Heidelberg in 1926; in May 1933, he was the first German professor to be dismissed from the civil service

What does the formula say?

Radbruch's formula is the name given to a thesis which Gustav Radbruch formulated in 1946 in his essay *Gesetzliches Unrecht und übergesetzliches Recht* [Legal Injustice and Supra-legal Justice]. In this essay he deals with situations where the positive justice, i.e., the justice laid down in laws, comes into conflict with principles that are above all law, including the ideas of equality of all people and the right to life. Radbruch demands that judges must always decide against the law and in favour of the supra-legal justice when the law in question

- Is to be regarded as "intolerably unjust" or: *"It should be possible to solve the conflict between justice and legal security such that positive law, secured by statute and power, takes precedence even if it is unjust and unsuitable in terms of its content, unless the contradiction between positive law and justice has reached a point that is unbearable and the law, as 'unjust law,' must give*

way to justice. It is impossible to draw a sharper line between cases of legal injustice and laws which, despite their incorrect content, are nevertheless valid”.

- “Deliberately denies” the equality of all human beings, which, from the point of view of the interpreter, is a fundamental principle of the concept of law: *“Where [...] justice is not even sought, the orders thus created can only be by virtue of power, never laws [...]; thus, the law which denies human rights to certain people is not a legal proposition. Hence, there is a sharp boundary between justice and non-justice, whereas, as has been shown above, the boundary between legal injustice and applicable law is only a delimiting measure [...].”*

Positions on the application of Radbruch’s formula to the Gueffroy trial

How a West German court tried to deal with the East German past

But then he (Seidel, judge at the Berlin Regional Court): asks: “Is everything justice that has formally been issued as law? “ His answer: “This law deserves no obedience.” Further, he states that he does not intend comparison, but, ever since the Nazi era, it has been known “that there is a core area of justice, which [...] no law may touch”. Seidel declares [...] “the protection of life applies to every individual”, hence a “serious violation of extra-positive justice” is to be noted.

Here, and also there, where Seidel speaks of “recognised norms of international law”, such as the freedom to leave any country, he depicts a juridically sound world which – unfortunately – does not exist. For four decades, lawyers and legal philosophers have been arguing about an internationally valid concept of “supra-positive justice” that would help to enforce human rights, no matter how states of illegitimate justice have formulated their laws.

For the Nuremberg Trials, which dealt with a part of the Nazi past, the legal institution of “Crime against Humanity” was invented especially for this purpose. It did not remain without controversy. With its help, however, crimes of a different quality than that of the wall-shooters were punished: the mass murder of millions of people.

Does Theodor Seidel nevertheless want to compare the horrible killing of a human being with industrialized mass murder? Does he intend to require the four defendants to think in “supra-positive terms” in a matter of seconds, something that lawyers have not managed to do in generations?⁸²

With their judgement of 20 January 1992, the Berlin judges provide a kind of blueprint for the subsequent proceedings against wall shooters. They affirm the fundamental question of whether members of the former GDR border troops can be prosecuted in court, even though the use of firearms was legitimised by GDR

⁸² Frenkel, R. (1992). ‘Tötung im Interesse der Obrigkeit’ [‘Killing in the interest of the authorities’]. In: Die Zeit, 24.1.1992

law: in the court's view, the deliberate killing of refugees by gunfire or mines is an intolerable violation of elementary commandments of justice. West German courts had already used the same formula in the 1950s to investigate Nazi crimes.

There is no doubt that justice is spoken in the trials of wall-shooters – but justice has fallen by the wayside. In their attempt to come to terms with crimes committed on the inner-German border, the courts for their part reach a limit: the limit of the rule of law.

Karin Gueffroy, the mother of the last GDR refugee who was shot dead, is probably speaking from the heart for the relatives of the victims of the Wall when she says in the newspaper *Das Parlament*, in view of the suspended sentences imposed by the Federal Court of Justice in 1993 on the shooters of her son: "I don't think it's fair, I still say that today. But I had to learn to live with it."⁸³

Work assignments

- Define positive and supra-positive law and work out the historical context for which the formula was developed. (AFB 1)
- Radbruch gives two reasons for convicting a person for an act that is not worthy of punishment under current positive law. Explain how Radbruch himself draws a distinction between these two grounds. (AFB 2)
- Justify how the formula can be applied in the Wall Shooter Trials. (AFB 3)

SOURCE E: Court Sentences

- **Berlin Regional Court, 20.1.1992**
- 3 years and 6 months for voluntary manslaughter for the shooter Ingo H. Acquittal or probation sentence for the other three border guards.
- **Sentence by the Federal Court of Justice, 14.3.1994**
- Reverses the Regional Court's sentence on the ground that the Court of First Instance failed to take account of the fact that the shooter was at the very bottom of the military hierarchy, and that he was "also, to a certain extent, a victim of the border regime".
- **Follow-up proceedings at the Berlin Regional Court**
- Ingo H. was sentenced to two years on probation
- Border post commander remains unpunished "for want of intent to kill".

⁸³ Frenzel, E. (2014). 'Die Grenze des Rechtsstaats' [The limits of the rule of law]. In: Der Spiegel, 7.11.2014.