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### **A comment for the sake of freedom of speech – and against the hiding of important facts in the case Marwa El-Sherbini!**

Just between Christmas and New Year's Eve the prosecuting attorney in Dresden (Germany), Christian Avenarius, closed down all the three cases Elwy Okaz, the husband of Dr. Marwa El-Sherbini, had initiated. Okaz' wife was stabbed to death on 1 July 2009 in a Dresden court, by a man whom she had testified against for verbal abuse due to her wearing an Islamic headscarf. The murder, a marginalized young man of Russian origin by the name of Alexander Wiens was already known as someone who hated foreigners and Muslims. Okaz accused the judge, the president of the Dresden Court and the policeman, who shot him in his leg, for not having taken any security measures to protect his wife and family. Now, Avenarius states in the *Süddeutsche Zeitung* (31 Dec. 2009) that there had been no hints for such a criminal act, no hints that Alexander Wiens would assault anybody.

This is quite far from being true – if the 13 July 2009 coverage by the news magazine *Focus* is accurate. Therein, Wiens (who would soon murder Marwa El-Sherbini) is quoted as saying: "If I've had weapons or explosives, I would have liked to bring them with me." He had said this in a first hearing after Marwa El-Sherbini had accused him for defaming her as a Muslim. Shouldn't this have been a hint for a jurist? Shouldn't a solicitor acknowledge this as an indirect announcement for further action? Or, at least, that Alexander Wiens was filled with hatred and thought of revenge? Normally, vengeful thoughts and acclamations are taken as a hint for potential future actions, even for a certain potential for violence.

Such violent potential became clear when the letter Wiens had written to the court was mentioned by the *Süddeutsche Zeitung* on 28 October 2009. The so-called hate mail, addressed to the attorney long before 1 July, didn't cause any precautions either. This letter – if correctly cited by the *Süddeutsche Zeitung* – makes clear which aggressive potential the young man carried with him. I suppose that a Muslim having articulated comparable things (like, "nobody could await from him to accept his enemies [Muslims] nearby" or "if they [Muslims] attack my privacy I get quite nervous") wouldn't have walked into court with a backpack and without any control. This seems to be a true scandal – or at least, the scandal is to try not to analyze all the aspects involved here. The trial took place in a courtroom far too small, so that the future murderer of Marwa did not even stand two meters away from her. Of course, the German justice supported Marwa's plaint, but did they really take it serious – didn't they in fact underestimate Islamophobia? Of course, nobody would allege intended acting, but negligence. Of course, nobody wanted such a tragedy

and I believe that the shock felt by the judge was real, but this shouldn't prevent anybody from self-critically analyzing what had happened and what prevented the responsible from taking any security measures.

I hope journalists keep on investigating the case. For me it has become uncomfortable doing so. The policeman, who had shot Marwa's husband believing that Okaz could be the attacker, accused me of incitement and I got a penalty order of about EUR 6000 or two months prison – thus slightly more than Alexander Wiens for having insulted Marwa – for having expressed in interviews that his shooting the wrong man could have resulted from a racist reflex and should be investigated. As a media analyst and neutral observer of societal developments, I thought I had the right to express what is obvious.