

Germany: investigator proves records were destroyed in Kohl's chancellery

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4 July 2000

The investigations into alleged corruption and payoffs under the former Kohl government took a new turn when special investigator Burkhard Hirsch submitted a 61-page report to the parliamentary investigation committee and the Bonn public prosecutor's office on June 28. The report showed that a large number of computer files were systematically destroyed or removed from the federal chancellery immediately following the 1998 election defeat of Kohl's party, the Christian Democratic Union (CDU), and before the new government had assumed office.

Apparently things were as hectic in the chancellery in the fall of 1998 as they were nine years earlier in the Normannenstrasse, the Berlin headquarters of the "Stasi" (the former East German Ministry of State Security), where tons of files were destroyed and evidence removed after the fall of the Berlin Wall. About two thirds of the hard disk data on chancellery computers were deleted—a total of three gigabytes, equivalent to roughly 1.2 million written pages. That is much more than is customary when there is a change in government.

Several passages of the Hirsch report reveal that these were not just personal data and notes, but rather official documents. In one instance, the staff employees' council lodged a protest while files were being deleted because the employees' welfare data had disappeared from the hard disk. Hirsch's staff did, however, by change later manage to reconstruct some files after discovering encrypted backup files in the chancellery basement.

Among other things, the backup files revealed that a letter that had been sent to the SPD (Social Democrats) by the minister presidents of the East German states in 1993 was actually formulated in the chancellery. The letter urgently appealed to the SPD not to hinder the sale of the East German Leuna refinery to the French Elf-Aquitaine group. Millions of marks in bribes were paid for this deal, which was vigorously endorsed by Helmut Kohl. There are many indications that part of this money found its way to the CDU's coffers or to Kohl's personal "slush fund".

Potentially even more explosive than the deleted computer data is the fact that numerous original files on controversial political events are missing. In painstaking detail, Hirsch proved that the gaps in the file registry were not the result of sloppy work, but rather of a deliberate cover-up. In every case the biggest gaps are in those places where activities had come under investigation by the public prosecutor's office or a parliamentary committee.

Consequently, most of the files on events that played a central role in the CDU fundraising scandal have disappeared. These

include the files on the Leuna refinery sale, the sale of 36 reconnaissance tanks to Saudi Arabia by the Thyssen Group, the sale of 122,000 company-owned railway employees' homes to the real estate magnate (and prominent CDU supporter) Karl Ehlerding, and the privatisation of former East German state enterprises (such as the Interflug airline, the Rostock shipping company, the Zschopau motorcycle works and the Mitteldeutsche Kaliwerke potash works).

In all of these cases it is a known fact that Kohl's chancellery was directly involved in the decision-making process and that bribes and donations were paid, often in very substantial amounts. In the Saudi Arabian tank deal alone, more than 200 million marks—almost half of the purchase price—were paid as bribes. Much of this money is still unaccounted for. In the case of the railway employees' homes, real estate owner Ehlerding legally and openly donated 5.2 million marks to the CDU once the purchase deal had been struck. His bid was accepted even though a Japanese group had offered a billion marks more for the 122,000 homes.

The fact that the files on these events were removed or destroyed corroborates suspicions that the CDU's fundraising scandal was in fact a bribery affair. If everything had been above-board there would have been no reason to systematically get rid of the files.

One of the files special investigator Hirsch found by chance (it was hidden in a folder containing harmless material on the plant location of a German brandy distillery) related to the so-called "Bear Head" project. The document is from Karl-Heinz Schreiber, the key figure in the CDU fundraising scandal, who at that time was promoting the construction of a tank factory in Canada as a lobbyist for the Thyssen Group. This document proves that there were close ties between Schneider and Kohl's chancellery, which was run by Wolfgang Schäuble at the time. Both Kohl and Schäuble have vehemently denied such ties up to now.

Hirsch was not able to prove who was responsible for the large-scale destruction of files in the chancellery. Ex-chancellor Kohl and his former chancellery director Friedrich Bohl deny any responsibility. Their denial is implausible, however, since lower-ranking officials would hardly have made a decision with such far-reaching consequences on their own.

Hirsch is a lawyer and prominent member of the FDP (Free Democratic Party). He has substantial administrative experience as the former minister of the interior of the state of North Rhine Westphalia and vice-president of the German parliament. He was appointed special investigator by the chancellery of the present

Social Democratic chancellor, Gerhard Schröder, when files on the Leuna affair requested by the parliamentary investigation committee could not be found. His report contains a veritable powder keg of legal material.

The illicit destruction of official documents is itself punishable by law and can lead to prison terms of up to two years. But it would be much more disastrous for Kohl and his closest staff if the strong suspicion should be corroborated that they took money for implementing political decisions, i.e., that they are guilty of corruption or accepting payoffs.

However, there is little likelihood for the moment that this powder keg will explode. The Bonn public prosecutor's office, which, as the district office of the former (West) German capital, is responsible for the case, has been anything but energetic in prosecuting crimes by the Bonn government. And the Augsburg public prosecutor's office, which set off the CDU fundraising scandal in the first place, is being held on a very short leash by the Bavarian government, which is run by the CDU's affiliate party, the Christian Social Union (CSU).

The body that is showing the least interest in uncovering the details of this affair is the parliamentary investigation committee for which the Hirsch report was originally intended. Although it has a big apparatus at its disposal and has been in session for weeks, the committee hasn't uncovered a fraction of the facts that Hirsch revealed with the aid of two federal police officers and only six staff members in the four months of their investigation.

The Social Democratic chairman of the investigation committee, Frank Hofmann, is incompetence personified. Whether this is due to an unwillingness to uncover the facts or a lack of legal expertise is beside the point. The very fact that the SPD made him responsible for the investigation shows that they have not the slightest interest in getting to the bottom of this affair.

Nor is the Green party, represented in the committee by Hans-Christian Ströbele, showing any signs of investigative fervor. Twenty years ago in a similar affair involving illicit donations by the German billionaire industrialist Flick, the representative of the Greens on the investigation committee, Otto Schily, grilled corrupt CDU politicians and made life very difficult for them. There is no trace of this persistence in Ströbele—and Schily has since switched to the SPD and is now the minister of the interior.

Only one day after the Hirsch report was submitted, former Chancellor Kohl appeared before the committee for the first time. He took the opportunity to portray himself as the victim of a political conspiracy and to praise his historical achievements. He called the investigations against him "an act of unprecedented defamation", and claimed that "inaccurate reports, insinuations and twisting of facts" were being employed in an attempt to criminalize him. He had been ordered to appear before the committee with the intention of "dragging me through the mud," said Kohl. "Every means of making a scandal out of me has been used over the past months."

Despite overwhelming evidence to the contrary, Kohl insisted, "The accusation that our politics were corruptible in connection with the donations that the CDU received through my efforts is absurd." He did not comment on a single fact revealed by the investigation, and would not answer additional questions by

committee members, asserting his right to refuse giving evidence in an ongoing judicial inquiry.

Instead of "putting the screws" on Kohl—although the Hirsch report provided ample material to do so—the SPD and the Greens broke off the committee session. They were indignant because the representative of the CDU had consulted Kohl before the session. Like a schoolboy threatening to tell on a fellow pupil to the teacher, SPD chairman Hofmann went on camera to say that he was going to complain to CDU Chairperson Angela Merkel because the CDU wasn't cooperating constructively in the investigation.

It is now questionable whether the committee will continue its investigation at all. Following the interruption orchestrated by the SPD, the committee may well become entangled in procedural issues and court proceedings—a development that would be most welcome to the CDU.

There are several reasons why the SPD and the Greens are not interested in pursuing the investigation.

For one thing, the SPD has some skeletons of its own to hide and is worried about being caught up in the whirlpool of the affair. The Social Democrats were involved in all of the major privatisations in the east of Germany. They had their own representatives in the Treuhandanstalt (the agency in charge of privatising the former state-run East German enterprises), and it is more than likely that part of the funds that flowed so generously in that process found their way to the SPD's party coffers or to the pockets of SPD politicians.

But the SPD and the Greens are also afraid of the political consequences of further revelations. Even though they are currently benefiting from the CDU's scandals in terms of voter support, they sense that indignation about increasing social injustice is being intensified by the corruption scandals and will in the long-run turn against them as well.

Anger over the social consequences of reunification is mounting in the population of the east of Germany. While carpetbaggers from both the west and the east made huge profits from the privatisation and closure of East German enterprises, a large segment of the population is living in unemployment and poverty. If it should now be established that government graft was at the root of this process, the result could be explosive.



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