

# German government restricts democratic rights

Elizabeth Zimmermann  
22 September 2001

Immediately following the tragic events on September 11 in New York and Washington, a debate started in Germany on restricting democratic rights in general and tightening up laws governing immigration and foreign residents in particular.

On Wednesday, the Social Democratic Party (SPD)/Green Party government agreed several measures to reinforce internal security. These included the expansion of the disputed Paragraph 129a in the penal code, which makes it an offence to establish or support a criminal organisation.

Paragraph 129a had been introduced in 1976 as part of the anti-terror laws, at the time when the Red Army Faction (RAF) was undertaking terrorist attacks in Germany. The law was used to undertake wide-ranging and arbitrary monitoring by the state. It led to numerous false accusations and suspicions being raised against those with non-conformist political views.

Instead of being abolished—as the Green Party until recently demanded—the law is to be extended by the addition of a Paragraph 129b, which can be used against supporters of foreign organisations who live in Germany. A draft by the Justice Ministry has already been presented to the cabinet for consideration.

As a consequence of the attacks in the US, the government has also adopted a statutory order stepping up security checks made on airport personnel. Some of these measures had been agreed by the SPD and the Greens prior to the attack in New York and Washington. More extensive measures are to follow.

The cabinet also decided to remove privileges granted to religious associations from the laws governing voluntary organisations as quickly as possible, in order to enable the banning of Islamic groups. Under the 1964 law relating to voluntary associations, religious communities and “community groups supporting and

cultivating a particular world view” were to a large extent protected against state interventions.

To finance the packet of measures aimed at strengthening internal security, the cabinet decided additional expenditure of \$1.4 billion. The cash is to be recouped by a “moderate increase” in taxes levelled on tobacco and insurance products.

Politicians from the SPD and the opposition Christian Democratic Union/Christian Social Union (CDU/CSU) have tried to outdo each other with their proposals for how democratic rights can be restricted and the state’s monitoring capabilities extended. The shock at the terrorist attacks is being used to establish the basis for extensive changes and to silence critics, creating an atmosphere of suspicion and repulsion directed against all “strangers”.

The proposals of SPD Interior Minister Otto Schily (who in the 1970s was a defence lawyer representing several RAF activists) stretched from including fingerprints on ID papers to the use of the *Bundeswehr* (armed forces) for domestic security duties, which the constitution presently only permits in cases of serious disasters. The security services, police and immigration authorities are to cooperate even more closely. He announced restrictions to data protection provisions, or even their abolition where they “protected terrorists”. The expansion of computerised data trawling for evidence was also “among the things being checked out”, said Schily’s spokesman Rainer Lingenthal.

There should be no restrictions on monitoring telephone calls and using CCTV to observe public places and also private dwellings. Closer surveillance of the Internet and email is again on the agenda. Those involved in data protection point out that existing laws already extend wide powers to the state. Telephones can be bugged without judicial permission, if there is a

“danger in delay”.

The chairman of the parliamentary Defence Committee, Helmut Wiczorek (SPD), has called for the creation of a National Guard using personnel from the Federal Border Police and *Bundeswehr*. CDU/CSU politicians are demanding the reintroduction of legislation covering those turning state’s evidence as well as the use of undercover agents by the police against organised crime, who should even be allowed to go unpunished if they commit criminal offences.

Bavarian Prime Minister and CSU chairman Edmund Stoiber has called for the setting up of a National Security Council, including his party and the CDU, as a sort of emergency government. He is also demanding the use of the *Bundeswehr* and Federal Border Police to guard buildings and airports, recruiting more staff to the secret service and higher spending on the armed forces and police. One function of the National Security Council, according to Stoiber, is the “restriction of our open borders and intensive security controls in German border areas”.

Prominent politicians have reacted particularly sharply to statements that three or more of the hijackers studied in Germany, where they are supposed to have lived inconspicuously and without raising any suspicions. Otto Schily, other SPD politicians and the CDU/CSU are trying to use this to further sharpen a new immigration law.

Interior Minister Schily stressed repeatedly that his present draft for a new immigration law already contained additional state controls and defence possibilities. He cited Paragraph 60 as an example, according to which the Geneva Convention would not apply, where there were “serious reasons” for regarding one or more foreigners as presenting a danger to the Federal Republic of Germany or the public. In such circumstances, they could be deported even if they faced political persecution in their homeland.

Schily did not exclude making further revisions to his bill, after the events in America. Speaking on Sunday evening’s ARD television talk show, he expressed his full agreement with the proposal of Bavarian Interior Minister Guenther Beckstein (CSU) for the to secret services to introduce routine inquiries about all immigrants. He also supported the routine taking of asylum-seekers’ fingerprints and in the case of visa applications.



To contact the WSWS and the Socialist Equality Party visit:

**[wsws.org/contact](http://wsws.org/contact)**