

German government bans Turkish Islamic group

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On December 12, the Interior Ministry banned the Turkish Islamic group Kalifatsstaat (Caliphate State), along with 20 subsidiary organisations. The ban was imposed on what is officially called the "Federation of Islamic Associations and Communities" (ICCB), previously a legally registered voluntary society. The proscription comes only days after the introduction of changes to the law relating to voluntary societies and groups following specific religious or ideological aims, making their prohibition far easier.

The September 11 terrorist attacks have served only as a pretext for this clampdown on democratic rights. Social Democratic Interior Minister Otto Schily has referred to the fact that he had already introduced plans to change the law on September 5, citing the ICCB as a prime example of "extremist associations, which camouflage themselves as religious or ideological groups".

In the early morning hours, massive numbers of police were marshalled to search over 200 ICCB buildings and the private dwellings of its members, seizing all property belonging to the association. In the state of Baden Wuertemberg alone, 600 officers participated in the action. In Cologne, where the association had its head offices, several hundred police took part in the searches.

Police officers trampled through several mosques run by the association. To enter a mosque without first removing one's shoes is regarded as an insult to the Islamic faith. Sniffer dogs were also used. Although the media and government had presented the association as a highly dangerous nest of criminals and terrorist activities, there were relatively few arrests.

The same day, Interior Minister Otto Schily announced that ICCB leader Metin Kaplan, presently serving a four-year prison sentence, would be deported to Turkey on his release. Kaplan has already been served with his deportation papers. It was because he feared being expelled to Turkey that Kaplan had chosen to serve his sentence in jail rather than on probation.

Most of the ICCB's 1,100 members and supporters, who have not been found guilty of any crime, are threatened with deportation. Edmund Stoiber, chairman of the Bavarian Christian Democratic Union (CSU), called this the "acid test" of the federal government's policies, making CSU agreement to Schily's so-called Anti-terrorist Package II in the *Bundesrat* (Upper House of Parliament) dependent upon it.

On closer scrutiny, the reasons for prohibiting the ICCB given by Schily and the Office for the Protection of the Constitution (as Germany's domestic secret service is called), and uncritically parroted by the mass media, have proved to be completely groundless.

Schily strongly emphasised the hostility to democracy evinced by the Kalifatsstaat. The ICCB is unarguably an extreme rightwing, anti-democratic organisation, which states, "Islam and democracy are incompatible". However, anti-democratic convictions alone do not justify the state suppression of an organisation. Even the rightwing political spokesman of the Green Party, Volker Beck, who supports Schily's law

changes and the prohibition of the Kaplan group, admitted, "Christian groups like the Jehovah's Witnesses or Opus Dei [an ultra-conservative Catholic organisation] express convictions that are incompatible with the view of human rights and society in the [German] constitution". According to Beck, such convictions "must be tolerated, as long as they do not seek to impose them with illegal means".

In his press statement, Schily adds that the Kalifatsstaat is directed "against the concept of international understanding", citing the following reason: It undertakes "agitation against Turkey, Israel and other states, as well as against Jews".

The first part of this argument is an open attack on the freedom of opinion. The repressive character of the state in Turkey and Israel is well known. The suppression of the Kurds and the Palestinians contradicts fundamental democratic principles, internationally recognised legal standards and numerous UN resolutions. If "agitation" against these states is a reason for prohibiting organisations and deporting activists, the same could be applied to any political criticism of regimes that are allied with Germany, regardless of how bloodstained they are.

The second part of the argument is no better. Stirring up hatred against Jews or other minorities can be punished easily using the existing criminal and civil law, where there is evidence of slander, incitement to race hatred or incitement of others to commit criminal offences. The state, or anyone affected, could have easily launched judicial proceedings against functionaries of the Kaplan group, which has been under intensive observation for many years. In fact, the group largely escaped such legal proceedings in the past.

This could only be for two reasons. Either there was insufficient evidence, which could have withstood judicial examination, or the authorities consciously gave the group a free hand, because it provided them with the necessary pretext to tighten up the laws relating to voluntary associations.

Several things point to the latter, not least the fact that even the murder of those associated with the ICCB remained unsolved and the state appeared quite uninterested, even though there would not have been any lack of legal possibilities for mounting police and judicial procedures against individual members of the group. Today's claims sound even more hollow: the bizarre Kaplan sect, which until recently has constantly lost members, poses "a danger to internal security".

The authorities only seemed interested in one case, which is now constantly cited by Schily and the media: In 1996, after a split in the federation, Kaplan had issued a *Fatwa* (a legal judgement pronounced by an Islamic scholar) against a rival second Caliph, Halil Ibrahim Sofu. Ten months later, an unknown death squad shot Sofu. Kaplan was accused of "forming a terrorist association" within the federation, which had as its target "the elimination of critics and deviationists, as well as directing fanatical supporters to launch attacks inside Turkey". The only proof of incitement to murder was Kaplan's *Fatwa*, which was then supposedly put into practice by individual members of the group, possibly without his

knowledge.

In 1998, the Turkish police claimed that they had prevented an assassination attempt by the Kaplan group at the last minute. During the national holiday, a suicide killer had wanted to fly a plane into the Atatürk-Mausoleum. It was supposedly only bad weather that led to the attack being postponed. Embarrassingly, on this day there was no wind and sunshine prevailed throughout the country, as the *Suedutsche Zeitung* reported at the time. The fact that the whole affair was a fabrication of the Turkish secret services, however, hardly prevented a single German newspaper from presenting the story as true, or at least credible.

Der Spiegel newsweekly dug up the fact that in 1989, Cemaleddin Kaplan, the father of the current Caliph and founder of the ICCB, had supported the call by Ayatollah Khomeini to kill the writer Salman Rushdie. However, the article intentionally suppressed the fact that Kaplan had clearly dissociated himself from the implementation of the murder. According to ethnology professor Werner Schiffauer, who testified as an expert witness against Metin Kaplan, this claim had been made by a group of splitters.

In their efforts to present the activities of the Kaplan group as terrorist, and thus be better able to justify a prohibition, the media magnified the importance of yet another case: On October 17, Harun Aydin, the publisher of the ICCB's newspaper and the husband of Kaplan's sister-in-law, was arrested at Frankfurt airport. The border police recorded the seizure of an Atomic-Biological-Chemical warfare protection suit, materials for the production of an explosive fuse and a farewell letter, among other things.

The next day, an arrest warrant was issued, and the day after that Chief Federal Prosecutor Kay Nehm took over the case, assigning the Federal Criminal Office to investigate the articles it had seized and to conduct a search of Aydin's house. The media excitedly reported the arrest of a "sleeper" and a "suicide killer". But it then emerged that the protective suit was simply a raincoat, the fuse was a talisman and the farewell communication a love letter. Aydin had to be released, but most of the media were barely interested in this. Characteristically, Schily did not mention this embarrassing story as part of his grounds for the prohibition, and the majority of the media also intentionally omitted to mention it.

Instead, in order to create some link between the ICCB and terrorism, some newspapers reported secret service findings, according to which representatives of the organisation had met with the Taliban and Osama bin Laden. In fact, the ICCB newspaper had reported in 1997 that the year before a delegation had gone to Afghanistan and held talks with the Taliban, also meeting bin Laden. It should be noted that in 1996 and 1997 representatives of the American oil company Unocal and the US State Department had also met and negotiated with the Taliban. At this time, the US was not making any public demands for bin Laden to be apprehended.

In 1998, a senior Taliban representative attended a public meeting of the Kalifatsstaat. But at this time there were not even any UN sanctions against the Afghan regime. No concrete cooperation developed from this series of meetings, such as military training, which even the secret service has admitted.

The banning of the Kalifatsstaat and the threat to deport Kaplan have nothing to do with the "fight against terrorism" or the "defence of democracy and international understanding". Rather, a precedent is being established for the government to be able to take action against every deviating opinion and opposition current.

Resting on the now tougher laws relating to voluntary associations, the Interior Ministry has trampled upon democratic rights in a manner that would never have been possible in the context of normal legal procedures. In banning the Kalifatsstaat, which took place without legal proceedings on the order of the interior minister, not only was the organisation dissolved, but its assets and those of numerous members were also seized. For example, the police removed all documents, books and magazines

from the home of Harun Aydin, who is regarded as Kaplan's deputy, his lawyer reported. Cars parked outside the group's Cologne centre were towed away.

Far worse than the loss of their property are the consequences of deportation, which threatens numerous members of the group as a result of the ban. If sent to Turkey, they can count on many years' detention, torture or even death.

Moreover, Schily made clear that the ban is a form of intimidation and in particular is aimed at Muslims living in Germany. The actions taken against the Kalifatsstaat should be understood as a warning to other extremist groups, he said. In his press statement, Schily appealed, with a clearly threatening undertone, to "law-abiding followers of Islam in our country": "they must also make it clear that Islamic extremism and terrorism have nothing to do with exercising their religion, but are criminal activities."

Schily openly pointed to a further aspect of the actions taken against the Kaplan sect. It endangers "substantial interests of the Federal Republic of Germany—especially with regard to foreign policy". For a long time, Turkey has called on the European Union to ban exile groups active in their countries and to deport the leaders back to Ankara.

At the same time, Schily announced he would look at further bans of radical-Islamic associations. Although he mentioned no names, one group that has come up in discussions again and again is Milli Goerues (Religious-National View), from which the ICCB originally split away. It is said to have about 30,000 members and control over 400 mosques, as well as more than 1,000 subordinate associations. In many large German cities it has considerable influence in Turkish working class districts.

A further reason for banning the ICCB is the implementation of the "Safety Package II". The Christian Democrats made their agreement in the *Bundesrat* dependent upon the proceedings against the Kaplan group, among other things, and have now signalled that they will allow the new law to pass. This by no means signifies that the rightwing of the Christian Democrats are satisfied, as their continuing diatribes against immigrants and refugees show.

The Safety Package II contains a whole number of measures tightening up the law and restricting democratic rights. Under the new regulations, foreigners could be expelled for belonging to "groups prepared to use violence" or for "supporting terrorist associations".

Even under existing laws, those entitled to asylum (like Kaplan, whose right was recognised in 1992) can be expelled under certain conditions. The protections afforded to recognised asylum seekers can be abrogated if a "serious" danger exists to public security. This is assumed to be the case for any offence for which a sentence of more than three years imprisonment is ordered. According to the Federal Administrative Court, before a recognised refugee can be expelled, it must also be shown that he held office in an organisation that was "prepared to use violence". In Schily's package, this "office-holder" test is lowered, however. In future, mere membership or "support" for such an organisation is sufficient to ensure deportation.

In order to satisfy the critics, Schily had to promise that no one would be deported to a country where they could face torture or the death penalty. But the example of Turkey shows how hollow such assurances are. Despite all contrary promises by the Turkish government, the death penalty was only recently enshrined into the constitution. Several human right organisations—such as Amnesty International, Human Rights Watch and the Turkish human rights association IHD—have submitted reports contradicting official claims and showing that torture is systematically used in the country's police stations and prisons.

If Schily's proposals become law, then all asylum-seekers, even officially recognised ones, can be threatened with deportation since most politically active refugees, whether Kurds, Tamils, Iranians or Palestinians, face persecution in their home countries for allegedly

supporting “terrorist organisations”.

Even those immigrants and refugees who have adopted German citizenship are not completely safe. Although it is still legally unclear whether naturalisation can be reversed, it is being discussed again. At the beginning of December, Christian Democratic Union chairwomen Angela Merkel told the *Bild* newspaper, foreigners who only adopted German citizenship in order to camouflage their membership in fundamentalist groups should have their German passport taken away. This would mean either, for political reasons, that legally recognised Germans could lose their citizenship, or that citizenship would come in two classes: one for naturalised foreigners and another “genuine” form, i.e., those who are German through blood. Both alternatives recall the attitudes of the Nazi period.



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