

Germany: Massive state infiltration of far-right party

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On October 8, a hearing took place before Germany's Supreme Court, the *Bundesverfassungsgericht* (BVG), to clarify whether to continue the government's proceedings to ban the right-wing extremist NPD (National Democratic Party of Germany). This legal action had ground to a halt following revelations that the German state had massively infiltrated the NPD.

When the government initiated its court action two years ago, virtually every German politician joined the chorus of those demanding a ban on the NPD. Today a deafening silence prevails. Initially, none of the three plaintiffs—*Bundestag* (the parliament), *Bundesrat* (the upper house) and *Bundesregierung* (the federal government)—wanted to send a prominent representative to the hearing. Barely a week before the hearing began Interior Minister Otto Schily (SPD, Social Democratic Party) announced he would appear.

The BVG hearing became necessary after it emerged that a number of high-ranking NPD members due to give testimony in the court proceedings had worked as undercover agents for the secret service. When the court found this out by accident, it suspended proceedings last January. The October 8 hearing was scheduled to clarify the extent to which the secret service influenced the activities of the NPD, and whether they had provided the court with tainted evidence. No decision regarding whether and how the proceedings are to be continued is expected for at least several weeks.

Initially, the state refused to provide the Supreme Court with a complete list of the undercover agents inside the NPD. Finally, at the end of July, the parliament, the upper house and the federal government agreed to supply the court with such a list. At the same time, they demanded that the proceedings be conducted “in camera” to prevent the public from learning the undercover agents' identities.

This would mean that the accused—the NPD—would be denied any possibility of disproving the accusations made against it, or even acquiring detailed information about the charges. Both the German parliament and the government have openly demanded a secret, closed-door trial to ban a political party.

The government's court papers indicate that out of 200 leading NPD functionaries, 30 were working as undercover agents. This means that one in seven leading figures in the party is on the secret service pay roll!

Representatives of the secret services explained to the court that the agency tried to place one to three undercover agents in every NPD executive body. In response, NPD chairman Udo Voigt questioned whether the party's national executive committee had also been infiltrated. If this were the case, then the secret service would also be informed about the party's legal strategy, which would place an additional question mark over the legality of the proceedings.

The government claimed it was necessary to conceal the identities of the undercover agents, both to protect them from acts of revenge by right-wingers, and to assure the continued functioning of the secret service itself. “If we unmasked the undercover agents, we could close down the secret service,” claimed Dieter Wiefelspuetz (SPD) after publication of court documents.

Schily and Bavarian Interior Minister Guenther Beckstein (Christian Social Union) tried to prove that the secret service and its undercover agents had not exerted any influence on the NPD's policies and activities. On this issue they sought to evade the judges' potentially explosive questions. The character of the NPD would not change if one excluded the statements of the undercover agents, Schily claimed. “Which statements should we exclude?” asked Judge Joachim Jentsch. Schily could only refer to the six agents so far unmasked.

The case against the NDP is not the only legal action against a right-wing extremist organisation that is threatening to unravel because of substantial secret service infiltration. A similar situation exists in the regional court in Dresden. There, at the end of August, the trial began against members of the banned neo-Nazi organisation “Skinheads *Sächsische Schweiz*” (SSS), which is charged with criminal conspiracy, incitement to racial hatred, serious breach of the peace and grievous bodily harm. The SSS is a brutal extreme right-wing group, with the declared aim of “cleansing” the *Sächsische Schweiz* (Saxon Switzerland, an area southeast of Dresden) of foreigners, drug addicts and those of other political persuasions.

This trial ground to a halt, when the defence called for clarification concerning the role of the Saxony state security services in the founding of the SSS. Chief judge Tom Maciejewski thereupon demanded the state security services provide a list of the agents within the SSS. Although continuing the trial against the seven neo-Nazis was dependent upon the government complying with this demand, Saxony Interior Minister Horst Rasch (Christian Democratic Union, CDU), like his counterpart in Berlin, refused to name the informants. Even if the trial is continued, its result is now far from certain due to this refusal.

The argument used by the government in refusing to name those who infiltrated the neo-Nazis in Saxony is the same used in the proceedings against the NPD: the undercover agents would be “substantially endangered” if their identities were revealed. Minister Rasch argued that the state had a greater duty to protect the security and welfare of undercover agents. Furthermore, their exposure would endanger the central functions of the secret services.

Who are these people whom the state has an overriding duty to protect, and what are the “central functions” of the German secret services? These questions can be answered by examining earlier cases

involving undercover agents.

In fact, convictions for bodily harm, incitement to racial hatred or even murder have never represented an obstacle for the secret service when hiring its personnel. Agents—like NPD man Wolfgang Frenz or the neo-Nazi Tino Brandt—have, on a number of occasions, indicated that they regard funds received from the secret service as donations for their organisations. In reality, the line dividing the organisations being spied upon and the secret service itself is barely detectable.

A typical example of the real practices of the secret service has come to light following the latest unmasking of undercover agents in Berlin and Brandenburg.

Following a July 20 raid on the Nazi band “White Aryan Rebels”, Berlin police arrested their marketing manager, Toni Stadler from Cottbus. The band is part of the illegal neo-Nazi music scene where it enjoys cult status. Among other things, the band calls in the lyrics of one song for the murder of Brandenburg’s attorney general, German talk show host Alfred Biolek and the vice-president of the Central Council for Jews, Michel Friedmann. Shortly after his arrest, it emerged that Stadler had been a long time undercover agent of the Brandenburg state secret services.

According to reports in the newsmagazine *Focus*, Stadler was recruited as an agent in the spring of 2001 under dubious circumstances. Secret service officials had tailed the neo-Nazi Stadler, who does not possess a driving licence, and caught him at the wheel. Stadler was faced with the choice of being prosecuted or acting as an informer.

Although initially based on extortion, this collaboration flourished. The news weekly *Der Spiegel* reported telephone calls between Stadler and his secret service handler Manfred M, in which Stadler complained about constant observation by the Berlin police. M assured him that his boss (Brandenburg secret service chief Heiner Wegesin) would ensure that this surveillance stopped. Moreover, shortly before a police raid, M gave Stadler a new computer to prevent data over his trade in neo-Nazi CDs being found on his old computer.

Since then, Manfred M has faced an investigation on charges of criminal obstruction in his official capacity. Other reports assume that the financial stipends flowing to Stadler went directly into the production of Nazi music.

Brandenburg Interior Minister and CDU right-winger Joerg Schoenbohm reacted aggressively to this exposure. Stadler’s arrest by the Berlin police had been “premature and unnecessary”, they said.

The Brandenburg state secret services came under pressure in 2000 when it was learned that it had continued to employ an undercover agent who had been convicted five years earlier of attempting to murder a Nigerian. Berlin city government representatives and judicial representatives expressed the suspicion that Schoenbohm knew about this decision.

Toni Stadler is by no means a small fry. According to the Berlin public prosecutor’s office, he is one of Germany’s biggest dealers in Nazi music. His textile business in Cottbus and Guben provides a cover for his trade in Nazi CDs. In court hearings, he admitted that he had been involved in making the CD “Attack the enemy” by the group *Landser* (mercenary).

Landser is part of the Nazi international skinhead union Hammerskins. In their songs, they call for Israel to be bombed, to hang “niggers” and massacre members of the *Bundestag*. For two years, the Federal Prosecutor’s Office has been investigating *Landser* for criminal conspiracy. During this time, Stadler, who obviously enjoys close contact with this band and their followers, was in the pay

of the Brandenburg state secret services.

In the middle of August, *Der Spiegel* revealed that Mirko Hesse, German leader of the Hammerskins, was also an undercover agent, but was controlled by the federal secret service. At the end of last year, Hesse had been sentenced by the Dresden regional court to two-year’s imprisonment for, among other things, incitement to racial hatred. He maintained his own music label, the H.A. record (H.A.: Hate Attack, Hitler Adolf), which he used to distribute Nazi CDs throughout Germany and in the USA. During a search of his house in summer 2001, police found 10,000 CDs, computers and various weapons.

According to the police, Hesse personally organised production of the *Landser* discs and handled sales. “For years, the [secret] services obviously gathered the best information about the most dangerous radical right-wing bands—without launching criminal proceedings”, *Der Spiegel* reports. The CDs were produced under the noses of the secret services, distributed throughout the right-wing milieu and most likely financed from taxpayers’ money.

At the end of September, the *Lausitzer Rundschau* newspaper reported that the Berlin state secret services had also employed an informant in the neo-Nazi circles round Toni Stadler. He was active in the *Weisse Arische Bruderschaft* (White Aryan Fraternity) and had provided information about Stadler.

These cases form merely part of the intricate web of connections between the German secret services and right-wing extremists. Such practices can hardly continue to be called slip-ups or scandals, but seem rather to be the rule.

Instead of uncovering their agents, and providing clarity, the German parliament and government are striving to obtain a secret trial for the prohibition of the NPD. In order to cover up their own anti-democratic practices, they are sacrificing fundamental political rights. Regardless of how the Supreme Court finally rules, it has become clear that in the alleged fight against right-wing extremism, the state itself is moving ever further to the right.



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