Berlin trial of neo-Nazi implicates Brandenburg secret service

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On November 11, the second criminal chamber of the Berlin district court sentenced Toni Stadler, a neo-Nazi, to two years' imprisonment with a probationary period of four years. The court concluded that the 28-year-old man from Cottbus in eastern Germany was guilty of incitement to violence, committing violence and disseminating insignia promoting unconstitutional organisations.

Stadler runs a shop, catering to extreme right-wing circles, and he belonged to a group that produced and distributed the CD "Hate Music", which contains lyrics calling for rape, abuse of children and the murder of foreigners and dissidents. Even Stadler's lawyer described the CDs circulated by his client as "disgusting, vulgar products which reach a new depth of sordidness and brutality".

The verdict against Stadler turned out to be relatively lenient, because a second culprit was missing from the dock—the secret service agency of the German state of Brandenburg. For two years Stadler had worked as a secret agent for the state's intelligence office (OPC) and began his criminal offences with its knowledge and backing.

The Berlin public prosecutor's office had also tried to take proceedings against Stadler's undercover controller, known by the code name of Michael Bartok. It even threatened to subject Potsdam's intelligence agency to a search in order to uncover the agent's real name. However, instructed by the Berlin public prosecutor's office, it was finally forced to transfer the proceedings to Cottbus in the state of Brandenburg, where so far no charge has been made and probably never will be.

Hans-Jürgen Brüning, chairman of the panel of judges, defended the light sentence Stadler received by claiming that the seriousness of the defendant's offences "is reduced to a great extent" by the fact that what he did was certified and shielded by the Brandenburg OPC. The offences were seen to have been carried out "in full the view and awareness of a state authority". The OPC was supposed to have been "ready to nip the deed in the bud". The judge said that it was "not authorised to condone crimes, not even for the sake of worthy long-term goals".

Brüning finished his defence of the verdict with a call for a parliamentary inquiry, something extremely unusual for a judge to do. He claimed that a final settling of the case could only "occur within the framework of a parliamentary commission of inquiry in Brandenburg".

The appointment of such a committee is extremely unlikely, however. Both the CDU (Christian Democratic Union) and the SPD (Social Democratic Party), which govern Brandenburg in a coalition, gave their full backing to the OPC and rejected all criticism levelled against its head, Heiner Wegesin.

When Brandenburg's chief public prosecutor, Erardo Rautenberg, described the activities of the OPC as illegal, he was immediately muzzled. Minister of Justice Barbara Richstein (CDU) forbad him making any further public statements concerning the matter.

Jörg Schönbohm, the interior minister responsible for state intelligence forces, reacted against the Berlin verdict with an attack on the judges, the like of which until now has only been seen in the Italy of Silvio Berlusconi. He accused the court and the public prosecutor's office of conducting a "type of political trial". His spokesman, Heiko Homburg, even spoke of a "show trial against the Brandenburg OPC".

Homberg was opposed by both the Berlin and Brandenburg Associations of German Judges. They certified to the public prosecutor's office and the court

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that they had conducted the inquiries and the lawsuit against Stadler “strictly according to legal principles”.

Brandenburg’s Prime Minister Platzeck (SPD) rejected calls for Schönbohm’s resignation and distanced himself from the criticism against the OPC. He said that Brandenburg needed an “efficient” rather than a “transparent” OPC.

The action against Stadler has clearly shown the sort of “efficiency” the authority is capable of. The line between observation and provocation was blatantly violated in this affair. Berlin’s public prosecutor, Jürgen Heike, summarised the facts as follows: “Without the aid of the OPC in Brandenburg, the right-wing extremist CD of the neo-Nazi band, White Aryan Rebels, would not have come into existence.”

Stadler summed up his contact with the OPC in the following concise expression: “You scrub my back, I’ll scrub yours.” He claimed he had received no payment for his work, except for expenses, and his real wage had been the cover given to his work by the OPC.

Bartok, the secret agent controller, had protected his ward from the police on a number of occasions. He provided Stadler with a new “clean” computer shortly before a house search by the police, gave him an allegedly bug-proof mobile phone, and advised him to find himself a storeroom abroad rather than pile up illegal goods in his own home.

According to Stadler’s testimony to the court, the OPC was well aware of his business transactions and international relations. He said he was only told to stop selling the hate CDs when 80 percent of the 2,800 issue had been sold. After this it was mutually decided to press a second issue, but then to allow these to be confiscated somewhere or other. He was given assurance that nothing would happen to his comrades.

Apart from Stadler, two other men participated in the production of the CDs: Lars Burmeister, a long-standing Berlin neo-Nazi cadre, who received a 22-month suspended sentence in September for being responsible for the texts of the songs; and Mirko Hesse, another secret agent, who worked for the federal OPC. Thus two of the producers of the incriminating CDs are in the employ of the state.

The Berlin verdict in the Stadler trial could have a direct effect on the current proceedings to ban the extreme right-wing National Party of Germany (NPD), which are currently under way in the federal constitutional court. These proceedings came to a halt after it became known that the NPD has been widely infiltrated by secret agents, right up into its leadership levels.

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