

German government uses anti-terror laws to head off protests

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The anti-terror laws that the German government passed following the September 11, 2001 terror attacks in the US are being used to head off social unrest. This is the content of a confidential government report revealed by the *Frankfurter Rundschau* newspaper. In language seldom employed, the report candidly admits that the dismantling of democratic rights is intimately bound up with the current reforms to the job market and sweeping attacks on the welfare system.

Among the measures contained within the anti-terror laws is an expansion of powers given to the police for surveillance activities in order—according to the official justification—to protect highly strategic facilities such as nuclear power stations and airports from attacks. The new government report makes clear, however, that surveillance has so far been primarily confined to the Ministry of Economics, to which the Federal Employment Agency belongs. In total, 1,544 ministry employees came under surveillance.

In line with a so-called “simple security scrutiny,” these employees had to complete a “security statement.” Enquiries were made about them to the Federal Central Criminal Register as well as to various security departments. The information collected was handed over for evaluation to the Federal Office for the Protection of the Constitution (the domestic secret police) and the Military Protection Service (MAD).

The results of the analysis were then given to the respective employers, when no security risk was posed. According to the government report, “other important security information was also given [to employers] in order to prevent the development of a security threat.”

These large-scale surveillance actions of Federal Employment Agency employees were justified on the basis that possible attempts to disrupt the data and computer systems of the employment office could lead to unrest within the population. According to the report:

“The proportionately high number of investigations was due to an urgent need to investigate the IT branch of the Federal Employment Agency. The sensitive public reaction to ‘computer malfunctions’ with the start of Hartz IV in 2005 [the laws that have drastically cut unemployment benefits] underscores the fact that problems in this field—an area of paramount importance for the entire community—would cause increased unrest in many sections of the population.”

Last year witnessed repeated massive protests against the Hartz IV laws. The government feared that any problems affecting the payment of benefits after these laws came into effect in January this year using newly developed software could spark further protests—and implemented the anti-terror laws in order to keep a watch over its own employees.

According to a comment in the *Frankfurter Rundschau*, the surveillance measures were only carried out because “the combining of unemployment benefits with social welfare assistance was and remains both socially and politically highly controversial.” (Hartz IV has reduced unemployment benefits, previously a proportion of a worker’s last take-home pay, to the much lower level of social welfare.) In another commentary, the author Thomas Maron sees a danger that the “state is elevating mistrust of its citizens to a principle and is searching for legal methods to secure its grip on power.”

In comparison to the high number of employees in the employment agency investigated by the security services, the number of workers in other areas who were checked was relatively small, according to the report. Detailed enquiries were made into just 32 bank accounts. Only five employees of airline companies were investigated, and among telecommunications companies 92 persons had their phone call records scrutinised. Within IMSI-Catcher, an organisation which collects data about mobile phone usage, 21 employees were investigated. These facts make

clear that the anti-terror laws have been used predominantly to circumvent social unrest.

The various security departments now want to further increase the number of investigations. They argue that there are too many restrictions in order to work “efficiently,” and are pleading for the lifting of the current restrictions on the saving of personal data and the granting of increased spying powers.

The government report counts as a great “success” the fact that through the anti-terror laws’ lifting of privileges for religious organisations, six Islamic groups with a total of 800 supporters have come under investigation. Three of them have now been banned, even though none of them have been accused of either planning or executing a terrorist attack. The justification for the ban was the use by the groups of supposedly vaguely extremist language, which can be used to close down organisations regarded as suspicious and which allegedly seek to overthrow the cultural and social order of Germany. This was the charge laid against Metin Kaplan and Hizb ut-Tahrir al Islami (HuT); both groups proclaimed their desire to establish a “caliphate state.”

The third organisation, Al Aqsa e.V., was banned because it had collected donations for the Palestinian organisation Hamas, which is officially listed by the German government as a terrorist organisation. The prohibition of Al Aqsa in 2003 was subsequently repealed by the German Constitutional Court when Al Aqsa was able to prove that the donations were used for social projects within the Palestinian autonomous regions.

In December 2004, however, the German Constitutional Court reversed its position and Al Aqsa was again a prohibited organisation. One of the judges explained that Hamas was a “unified entity, in which its social activities cannot be separated from its military functions.” Since Al Aqsa identified with the aims of Hamas and therefore infringed upon the “thoughts of the German consensus,” the prohibition had to be reinstated. German Interior Minister Otto Schily greeted the Leipzig decision with the words: “No one can hide under the cover of supposedly pure humanitarian aims.”

Within the German government there are moves already under way to expand the powers of the anti-terror laws. The case against Al Aqsa is being used to justify further access rights to bank accounts. Among other proposals, the secret services would be given access to the bank account data saved centrally by the finance department.

The regulations for the deletion and registration of collected data are also to be watered down. The

government report stated that the biannual regulation review has “up to now only caused administrative overhead but not led to any deletion of data.” It argues that because the “war against terror” requires long-term access to data, it calls into question “whether the current administrative effort for examining data is suitable.” The security departments should therefore be allowed to save collected data on a long-term basis, because they have so far—in opposition to the current law—not deleted anything and future deletions would result in too high a cost.

The SPD parliamentary spokesman for interior affairs, Dieter Wiefelspütz, in an interview with the *Frankfurter Rundschau* newspaper, proposed that the security services have direct access to bank accounts and travel details. He also did not rule out their having access to the planned national health card system, in which the medical history and details of patients will be centrally recorded. There should not be “any limits on what is possible, no taboos,” he said. “If health cards would play a key role in averting terrorist activity, I would not want to hold back access to this data. On the contrary, the necessary permission would have to be given.”

Wiefelspütz is even considering profiling the movement of individuals using the newly introduced wireless road toll system. For him, the limits to such measures would only be reached “if torture, death penalties and legal-free areas like Guantánamo” are being discussed.

The current anti-terror laws have already abrogated fundamental democratic rights that have been in place since the founding of the Federal Republic of Germany. The presumption of innocence has been done away with and the entire population placed under general suspicion. Foreign nationals can be deported solely for being classified as dangerous and in legal cases the standard avenues for appeal do not apply.

Political organisations can be labelled as “terrorist” and prohibited. In addition, the separation between the police and the security services is being practically abandoned through the establishment of a central database in a new “terror defence centre.”



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