

# German Interior Minister Schäuble wants to lock up “dangerous people”

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Interior Minister Wolfgang Schäuble (Christian Democratic Union—CDU) wants to tighten up the country’s anti-terror laws and amend the constitution to allow the deployment of the armed forces during the football World Cup in 2006.

Surprisingly, during a debate in the Bundestag (parliament) December 14, Schäuble stated that German police and secret service personnel had participated in interrogations of prisoners kidnapped by the CIA held at a Syrian prison and at Guantánamo Bay, Cuba. One of those interrogated—Mohammed Zammar, who is being held in Syria—possesses a German passport; the other, Turkish citizen Murat Kurnaz—who has been incarcerated for the past four years in Guantánamo—was born and grew up in Germany.

Schäuble’s statement made clear the extent to which Germany’s previous government—a coalition of the Social Democratic Party (SPD) and the Greens—was involved in the criminal practices of the CIA. Not only did the German government know about the detention and torture practices used by the CIA, it refused to take any action to protect the well-being of German citizens who fell afoul of them. German officials even participated in interrogations where detainees were abused or tortured, while family members and lawyers were left completely in the dark over their whereabouts.

In October 2004 and April 2005, the German Foreign Ministry wrote to Guel Pinar, the lawyer representing Zammar, and informed her that it had no contact with her client and knew nothing about him. In fact, Zammar had already been cross-examined in 2002 in his Syrian dungeon by agents of the German Intelligence Service (BND), the Secret Service and the Federal Criminal Investigation Office (BKA). “According to what we now know, the government has deceived and lied to

us,” Pinar commented.

In interviews last week, Schäuble went on the offensive and expressly defended the practice of German officials questioning prisoners who had been abducted and tortured. “It would be completely irresponsible to say that we were not prepared to use information that we could not definitely establish had been obtained under the observance of strict legal conditions. We must use such information,” he said.

Schäuble cynically justified Zammar’s interrogation in a Syrian gaol notorious for its use of torture by saying, “A few months’ detention is enough to persuade some to squeal, German prosecution authorities also work this way.”

For years, human rights groups have reported that prisoners held in the Far Filastin gaol, where Zammar is being detained, are crammed into tiny cells and kept awake at night by the cries of those undergoing interrogation. Zammar had personally complained to German officials about the inhuman conditions at the prison and the mistreatment by prison personnel.

Nevertheless, Schäuble brazenly maintained there were no indications that Zammar had been tortured. Schäuble claimed Zammar was suspected of being “involved in the worst sort of terror activities,” and cynically added, “They could also be called Smith, they don’t have to be called Zammar. Then they would not be staying in a hotel room with a jacuzzi.”

The conclusion drawn by Schäuble from the exposure of such illegal practices is to ensure that they are legally sanctioned in future. He proposes changing the law to enable prosecution on the basis someone is considered “dangerous,” even if he or she had not committed a criminal offence. “We could, for example, prosecute someone for participating in training at a terrorist camp in Afghanistan or anywhere else.”

When asked by the *Süddeutsche Zeitung* information from the intelligence services could be used in court in such cases, which is not permitted at present, Schäuble answered, “We want to examine this, the current situation is, anyway, unsatisfactory.”

The regulations suggested by Schäuble would open the way for all sorts of arbitrary actions and denunciations by the state. They boil down to making certain beliefs a criminal offence. Not just committing a crime, nor even having the intention to commit one would be punishable, but simply the *ability* to commit a crime. What if someone attended a self-defence or weapons training course while on vacation? What if someone participated in a meeting where there were calls for a rebellion? What if the secret services denounced someone based upon information extracted under torture?

“This is highly problematic and can hardly be reconciled with legal norms,” Rolf Goessner, president of the International League for Human Rights, commented on Schäuble’s proposals.

In future, Schäuble not only wants to deport foreigners merely based on suspicion, but also to lock them up. Under the present law, foreigners can already be deported without demonstrating any proof or obtaining a court order. To lock them up, however, requires a judicial process, where the principle of “innocent until proven guilty” applies. This is what Schäuble wants to change. “The laws governing aliens gives us more room for manoeuvre,” he told the *Süddeutsche Zeitung*. “And nevertheless, we must still consider what can be done if we cannot deport someone or if it were dangerous simply to send such people abroad.”

Schäuble’s proposals throw a sharp light on the role of the new German government.

Recently, the headlines have been dominated by exposures of the criminal practices of the CIA and the involvement of the German authorities and government agencies. In the end, the government felt forced to promise a “week of clarification.” Last week, several ministers duly appeared before three parliamentary committees—which, however, met in secret. There was also a public debate in the Bundestag.

However, this all offered little clarification. It still remains unclear what role Germany’s secret services played in the CIA kidnapping of the German citizen

Khaled el-Masri who was taken to Afghanistan; what the then Interior Minister Otto Schily (SPD) was told about the case by the US ambassador; what Foreign Minister Joschka Fischer (Green Party) knew and why the Munich Public Prosecutor’s Office, which has opened a case against “persons unknown,” was not informed and supported by the government.

What did become clear, however, was that the SPD-Green Party government was far more deeply implicated in the illegal practices of the CIA than it wanted to admit. Since Berlin’s initial dispute with the US over the Iraq war, the German government has endeavoured to cement relations with Washington again, withholding any criticism of the illegal practices of the CIA, covering these up and even participating in them. The claims of the SPD and the Greens that they support an international policy based on morals and human rights have completely collapsed.

The Merkel government, in its attacks on social rights, is continuing with the “Agenda 2010” policies of the last Schröder government, and is now implementing attacks on democratic rights. The reason in both cases is the same. Despite its large parliamentary majority, the grand coalition of the SPD and CDU is socially isolated. It knows that its economic and social policies are extremely unpopular, and is preparing for social confrontations.

Schäuble’s attack on elementary democratic rights, even if he seeks to justify it by reference to the danger of terrorism, is primarily aimed at this social opposition. This is clearly shown by his second proposal: the use of the armed forces at home. He wants to implement a constitutional amendment before the football (soccer) World Cup next summer, in order to deploy the armed forces on “security duties” at “stadiums, airports and team accommodation.”

It is not hard to imagine what might happen if soldiers deployed to protect a football stadium came into conflict with football fans. A precedent would then be set, to use the army against the mass of the people.



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