

Germany: Release of ex-Red Army Faction terrorists sparks hysterical debate

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The state court in Stuttgart recently ruled that the former Red Army Faction (RAF) terrorist Brigitte Mohnhaupt should be released on probation in March, after serving 24 years in detention. Federal President Horst Köhler is also expected to announce his decision soon as to whether another former RAF terrorist, Christian Klar, will be pardoned. The only remaining RAF members still in prison are Eva Haule and Birgit Hogefeld, with Haule qualifying for parole in August.

The impending release of these former terrorists has met with a vicious response from the German political establishment and media. The main question at issue has been whether their release should be made conditional on an expression of remorse. While conservative politicians, victims' family members and representatives of the security services are demanding such a statement be made prior to release, some media outlets, and a handful of Green and Social Democratic Party (SPD) politicians, say the government should show its strength through clemency.

The head of the Christian Democratic (CDU) parliamentary faction Volker Kauder told the press, "There should be no mercy for those who mercilessly murdered wives' husbands and children's fathers with the aim of destroying our democracy." The former head of the Federal Criminal Police Office (BKA) Horst Herold was no less vehemently opposed to the early release of Mohnhaupt. Another former BKA chief, Hans Ludwig Zachert, also opposed a pardon and denounced Klar as a "mass murderer" and "ice block." He was supported by former Stuttgart prosecutor general Klaus Pflieger, who co-authored the indictments against Klar and Mohnhaupt.

The Bavarian Prime Minister and chairman of the Christian Social Union (CSU), Edmund Stoiber, even demanded the prisoners expressly renounce violence and make a positive commitment to the state. He told the press a condition of their release should be an "open" expression of "genuine" regret. "It is not the state that should signal its reconciliation to the RAF terrorists, but the terrorists must first honestly express regret for all their crimes and profess their allegiance to the constitutional state."

Such "confessions" are typical not for a democracy based on the rule of law, but for dictatorial and totalitarian regimes.

According to German law, a convict's request for the suspension of the remainder of his or her sentence on probation, after the completion of a minimum term, must be approved by the courts. A condition for a positive decision is the prognosis that the person will not commit any more criminal offences. The law does not stipulate that a convict must first make an expression of remorse, much less issue a political statement supporting the state.

At present, those given life sentences must serve at least 15 years. On average, they are released after 17 to 19 years. In cases of "especially serious guilt," as was found in the case of the RAF terrorists, the minimum sentence is extended. In these cases, the average detention amounts to 23 to 25 years.

In the cases of Mohnhaupt and Haule, it is not a matter of "clemency" or a "signal of reconciliation," but the granting of legally enshrined rights,

guaranteed through a 1977 judgement of the Federal Constitutional Court, and the principles of rule of law and human dignity, which are due to any offender who has served an appropriate sentence, even in cases of the most serious crimes.

One of the most repulsive examples of the hysteria with which politicians and the media have reacted to the impending release of the RAF terrorists was the Sunday television talk show hosted by Sabine Christiansen. Christiansen had invited three "victims of terrorism" onto her show: Michael Buback, the son of the German attorney general murdered by the RAF in 1977; Michael Esper, a victim of the Al Qaeda bombing of the synagogue in Djerba, Tunisia; and Bettina Röhl, the daughter of RAF founder Ulrike Meinhof. The highly emotional contributions of these individuals were then supported and deepened by the Brandenburg interior minister and retired lieutenant general, Jörg Schönbohm (CDU).

In this heated atmosphere, Christiansen carried out a viewers' poll and announced at the end of the programme that 91 percent of those questioned had expressed opposition to the early release of Mohnhaupt and Klar. The daily *Süddeutsche Zeitung* called the programme "a declaration of journalistic bankruptcy," and added, "If Christiansen had asked whether terrorists should face the death penalty, 91 percent would probably have supported this."

Anyone who believes in a humane society can only welcome the initiative to release the last of the RAF prisoners. In 1992, one and a half decades ago, the RAF announced the end of its armed struggle. In 1998, nearly 10 years ago, the organisation dissolved itself, and most of its members were then released. Most had served their sentences; others were pardoned by the German president and released early. All four predecessors of the present federal President Horst Köhler have pardoned RAF members, none of whom has since returned to the armed struggle.

This March, Brigitte Mohnhaupt will have served the minimum sentence for her offences. The federal prosecutor's office has supported her request that the balance of her sentence be suspended, and the state court in Stuttgart has sustained this view. Politicians and the media—some more reluctantly than others—have accepted that the letter of the law is being followed.

Unlike Mohnhaupt, Christian Klar received a minimum sentence of 26 years, which only expires in 2 years' time. In 2003, in his application for a pardon, he expressed his regret for the consequences of his actions: "Naturally, I must recognise my guilt. I understand the feelings of the victims and regret the suffering of these people."

In 2001, Klar had been interviewed on television by the now-deceased journalist Günter Gaus, who also advised Klar on his application for a pardon. According to Gaus's daughter Bettina, the impression made by Klar—seriously scarred physically and psychologically by decades of imprisonment—left Gaus "deeply unsettled." This assessment is shared by the author of these lines, who also witnessed the interview. The 54-year-old Klar, who had studied philosophy and history, although probably

healthy in a purely medical sense, was absent, unsure of himself and evidently had trouble following the journalist's questions and articulating his own thoughts.

Several RAF prisoners have spent many years of their detention in total isolation, and their prison conditions were consciously designed to destroy their personalities.

Marxists have always rejected and opposed the politics and methods of individual terrorism and the RAF. Revolutionary politics aims at the emancipation of broad layers of working people, seeking to raise their political consciousness and cultural level so that they might abolish capitalism and organise society on a humane and truly democratic basis. Socialist politics are therefore always linked to the struggle for democracy and humanity.

Terrorism, on the other hand, feeds on contempt for the general population, acts independently of it and, in the long run, always ends up seeking to influence one section or other of the ruling class through violent attacks and opportunist manoeuvres. At the same time, it provides the representatives of the state with a pretext to weaken fundamental democratic rights and makes the struggle for socialist politics more difficult. A glance at the history of the RAF makes this very clear.

Mohnhaupt and Klar are generally regarded as prominent leaders of the RAF "second generation." The initial public appearance of the Red Army Faction "first generation," around Ulrike Meinhof, Andreas Baader and Gudrun Ensslin, occurred in 1970. Its members came from the student protest movement that was directed against the colonial war of the US in Vietnam, and the preponderance of former Nazis in the post-war German Federal Republic (West Germany).

In the period that shaped this generation and drove them to rebellion, the Nazi lawyer Hans Globke was chief of staff to Chancellor Konrad Adenauer; a Nazi naval judge, Hans Filbinger, who had condemned a sailor to death in March 1945 for desertion, was prime minister of the state of Baden-Württemberg; and many Nazi professors still delivered their lectures at the universities as if nothing had happened. Only a few of the judges who had served on the Nazis' so-called "people's courts"—which had imposed thousands of death sentences—faced trial after the war, and they were then acquitted.

The Social Democratic Party, which had long since abandoned a socialist perspective, still had significant support in the factories and trade unions. In East Germany, the Stalinist bureaucracy, along with its followers in the West, were also hostile to any revolutionary movement of the working class. At the same time, the student movement was strongly influenced by the anti-Marxist theories of the Frankfurt School, which wrote off the working class as a revolutionary factor, regarding it as a bourgeoisified mass "intoxicated by consumerism," instead glorifying the guerrilla movements in the Third World and other petty bourgeois forces.

The RAF was from the outset marked by this contempt for the working class and broad sections of the population. In April 1968, Baader, Ensslin and others started fires at two Frankfurt department stores. In October of the same year, the trial of the arsonists ended with three-year sentences being handed out. Ensslin took sole responsibility for the arson, arguing she had done it out of "protest against the indifference with which people were watching the genocide in Vietnam."

In 1972, 11 Israeli athletes attending the Olympic Games in Munich were kidnapped and subsequently killed by Palestinian terrorists. The RAF glorified this as an "anti-imperialist, internationalist and anti-fascist act." The RAF attacked US army facilities in Germany without any regard for the lives of the young soldiers who often came from the most oppressed layers of the American working class.

For its part, the German state acted with extreme aggression not only against the RAF, but also against left-wingers and socialists. The media and politicians used the attacks to slander all critics of capitalism as terrorists.

In 1972, shortly after the beginning of the so-called "May offensive," practically the entire "first generation" of the RAF was arrested. In the same year, the so-called "Anti-radical decrees" were introduced, which threatened to prohibit any member of a left-wing organisation from working in the public service.

The politics of the RAF "second generation" consisted essentially of attempts to induce the state to release the RAF prisoners through a campaign of assassinations and hostage-takings. It was characterised by a mixture of violence and opportunism.

From the mid-1970s, the government under Social Democrat Helmut Schmidt launched a counter-offensive against the strike wave and student radicalisation that had persisted since 1968. It ruthlessly suppressed all attempts to free the RAF prisoners by means of hostage-taking. The rights of the prisoners, who were being kept in high-security facilities, were further limited, including imposing total isolation, which is a form of torture.

The RAF leadership were surprised by this harsh response and the unwillingness of the state to compromise. During the occupation of the German embassy in Stockholm by RAF members in April 1975, for example, the government did not yield, even after the murder of two embassy workers, and instead ordered the storming of the embassy.

Two years later, as the RAF prisoners were conducting a hunger strike for improved prison conditions, the German attorney general and two colleagues were assassinated. Later, a rocket attack failed on the building of the federal prosecutor's office. The banker Jürgen Ponto was killed in a botched kidnapping attempt. The seizure of a German civilian airliner by a Palestinian commando group associated with the RAF led to the pilot being murdered. Instead of the RAF prisoners being released as demanded, the German government again ordered the ending of the hostage crisis by force.

The most prominent episode of the RAF's "1977 offensive" remains the abduction of Hanns-Martin Schleyer, the president of the employers' federation. His three companions and his driver were shot during the kidnapping. As the RAF admitted later, its goal was to use "his connections and influence" for an exchange of prisoners. However, the SPD-led government was determined not to make any compromise and even to accept Schleyer's death as a result. This view prevailed, even against the wishes of Schleyer's family, who had already assembled the ransom being demanded.

The callousness and brutality with which the RAF acted made it easy for the ruling elite and the media to encourage a climate of hysteria and trample on democratic rights. It was not only political opponents who were destroyed psychologically, physically and morally, but also many completely innocent people were shot during house searches, traffic controls and such like—"in self-defence" or "by mistake."

At the same time, the terrorist attacks served the ruling class as a pretext for new and ever harsher attacks on democratic rights.

Two years after the Anti-radical decrees were introduced, a law was passed in 1974 making possible the exclusion of lawyers during a criminal trial and precluding several defendants being represented by a single attorney. This was aimed at preventing a lawyer acting as a conduit for communication between the prisoners. The number of appointed defence counsels was limited to three.

The law also made it possible for a trial to take place in the absence of the accused if he or she was mounting any protest actions such as a hunger strike for improved prison conditions.

The monitoring of communications between attorneys and their clients was legalised. In 1976, wide-ranging expressions of political opinion were criminalised, such as the "anti-constitutional endorsement of violence" and "supporting" terrorist organisations. The prosecuting authorities were given the right to order detention on remand in cases involving state security, even when there was no suspicion that an accused might collude

with others or seek to flee the trial.

In 1977, the so-called “law banning contact” followed, legalising the total isolation of the RAF prisoners, a situation that had had already been practised without any legal basis. One year later, further possibilities for excluding for attorneys and extending the authority of the police to conduct searches followed.

At the end of the 1980s and the beginning of the 1990s, it became increasingly difficult to determine which actions were being carried out by the RAF and which could be attributed directly to the state. There are suspicions that the final attacks were not committed by the RAF and that the letters claiming responsibility on the part of the RAF only served to divert attention from the real culprits.

For example, at the time of his murder in 1989, the spokesman for the executive board of the Deutsche Bank, Alfred Herrhausen, was under sharp attack by other members of the bank and was due to be replaced on the day he died. After Herrhausen had argued in favour of debt cancellation for several Third World countries, which had accumulated massive debts mainly with American banks, he received death threats. He took the threats so seriously that he wore a bulletproof vest at international finance meetings. Whether the RAF was at all responsible for his murder remains disputed to this day.

The present campaign against the release of the former RAF members takes place at a time when democratic rights are once again being sharply attacked. In the name of the so-called “fight against terrorism,” the government is pressing to legalise the deployment of the army inside Germany, together with the use of confessions obtained under torture as well as preventative detention merely on the basis of suspicion.

The hysteria surrounding the issue of whether Mohnhaupt and Klar should be released sooner or later after serving a quarter-century in prison is in fact part of a campaign to create the climate for a massive increase in the powers of the state apparatus—a development that seriously threatens basic democratic rights and is directed against growing popular opposition.



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