

Berlin sociologist detained for three weeks

Science under the suspicion of terrorism

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27 August 2007

On Wednesday, August 22, researcher and sociologist Andrej H. from Berlin was released from custody. He had spent three weeks in solitary confinement after Germany's federal prosecutor's office made the specious allegation that he was a "member of a terrorist organisation." (Under German law, the full names of individuals involved in certain legal cases cannot be published.)

Andrej H. was only released under strict conditions after posting bail, following protests by thousands of scientists and students in Germany and around the world against the unprecedented criminalisation of an academic. Andrej H.'s lawyer, Christina Clemm, cautioned that his release did not mean his arrest warrant had been revoked. The federal prosecutor's office also intends to appeal the decision of the magistrate to grant Andrej H. bail.

The federal prosecutor's office accused Andrej H., an academic at Berlin's Humboldt University, and three others who remain in custody, of belonging to the *Militante Gruppe* (MG). According to the Federal Criminal Police Office (BKA), the *Militante Gruppe* has been responsible for around two dozen attacks on property, including arson attacks on private and police vehicles. The BKA claims that, through such senseless acts, the MG wants to "smash the structure of society and establish a communist world order."

Andrej H., who was arrested in his apartment on 1 August, is alleged to have provided the theoretical ammunition for the MG, via his research work. The same absurd charge has been levelled by the prosecutor's office against Matthias B., a political scientist from Leipzig, as well as another academic and a journalist, all of whom face possible arrest.

Three others who are currently in custody—Florian L., Oliver R. and Axel H.—are alleged to have attempted to set three army vehicles on fire on 31 July in Havel in the state of Brandenburg. According to the police, the three had been under observation for some time before being arrested at the location of their planned attack.

According to the Organisation for the Cessation of the § 129a Case (*Bündnis für die Einstellung des § 129a-Verfahrens*), the police acted with brute force against the three. The men were travelling in a car when they were forced to pull over. "The windows were then smashed and the men pulled out of the car through the broken windows," which resulted in "cuts to different parts of their bodies." The men then had "sacks thrown over their heads" like Guantánamo detainees, "placed in thin, white plastic overalls," and were "handcuffed and forced to lay on the ground for an extended period of time."

Although the Brandenburg state prosecutor's office assumed the case of attempted arson would be handled locally, considering the alleged had no prior convictions, the federal prosecutor's office in Karlsruhe took control, alleging the men were members of the *Militante Gruppe* and charging them under Paragraph 129a with the "construction of a terrorist organisation."

In order to substantiate the charge, the prosecutor dragged the sociologist Andrej H. into the case, arresting him two days later in his

apartment and flying him via helicopter to Karlsruhe to appear before the custodial judge. The prosecutor alleged that Andrej H. was one of the theoretical heads and ringleaders of the *Militante Gruppe*.

The evidence used by the prosecutor as the basis for the allegations is extremely specious. Everything points to the fact that within the framework of the "war against terror", the real aim is to attack fundamental democratic rights and to silence critical academics and journalists.

The prosecutor's office argued that the failed attempt to attack army vehicles has "parallels to previous attacks carried out by the terrorist organisation, the 'Militante Gruppe' (MG)." The prosecutor regarded the fact that the attempt occurred at night as especially significant. Using this line of argumentation, every night-time arson attack could be characterised as a terrorist act.

Florian L. is alleged to have had "extensive conspiratorial contact and meetings" with Andrej H. In fact, only two encounters between the two men ever occurred. The prosecutor based his claims of a conspiracy on the fact that neither had mobile phones with them, arguing that this was done to avoid being tracked. According to this logic, anyone not carrying their cell phone must be considered suspicious.

Further, Andrej H. and Matthias B. are also suspected because they are "employees of a research institute that had access to libraries," which could have been "inconspicuously used to conduct the necessary research for the *Militante Gruppe*." This is an argument that makes every library user a potential terrorist!

The prosecution also argued that because the men had doctorates, both had "the intellectual and factual requirements" that are "required for the creation of sophisticated texts for the *Militante Gruppe*." The allegation that intellectual knowledge is considered suspicious recalls the stance adopted by a number of history's most ruthless dictators.

Andrej H. is also alleged to have used phrases in his scientific writings that were also used by the MG. From this fact, the investigators at the federal prosecutor's office jump to the conclusion that Andrej H. must have indeed been the original author of the MG texts.

In particular the word "gentrification" was singled out. "Gentrification," however, is a widely used term in sociological studies of cities. A search of the keyword "gentrification" on *Sociological Abstracts*, the international sociological essay database, returns 452 entries by 174 academics. Amazon lists 64 titles on the theme. The *New York Times* has used the term 1,770 times in the last several years.

Using such a chain of evidence, anyone can be placed under the suspicion of terrorism. This is also underscored by the methods used by the BKA investigators that led them to Andrej H. and Matthias B.

The *Tageszeitung* newspaper reported the findings of H.'s lawyer, Christina Clemm, who received access to the 29 folders of the police investigation. She revealed that the BKA had simply performed a search on the Google web site for the terms used by the MG in its writings, including "gentrification" and "social insecurity."

Andrej H. and Matthias B. both carry out research in these fields, which made them “highly suspicious” according to the authorities and this connection was enough evidence for the BKA to conduct a year-long observation of both men, including video surveillance of their apartment doors, electronic eavesdropping and the determination of the locations of their mobile phones.

Andrej H. and Matthias B. both wrote their doctorate theses on the process of gentrification, in particular, on the restructuring of the East Berlin district of Prenzlauer Berg after 1990. They are specialists in Germany on the topic of structural changes within inner cities. That their work was of a critical nature, that they concentrated their studies on young workers and in particular the eviction of the unemployed and Hartz-IV welfare recipients (long-term unemployed receiving extremely low government benefits) from the Prenzlauer Berg area, made Andrej H. and Matthias B., in the eyes of the federal prosecutor, potential members of the “extreme left.”

The men appeared on the radar of investigators not just because of their scientific research, however. Similar research is publicly available in numerous libraries. The decisive factor for prosecutors was that the men used the knowledge in their work for various citizen initiatives and journalistic activities for a diverse range of left-wing publications.

Andrej H. and Matthias B. were both born in the German Democratic Republic (the former East Germany), and had their first political experiences in the late 1980s in the “United Left” movement, which worked closely at the time with the Pabloite United Secretariat, led by the late Ernest Mandel.

In the 1990s the men were then part of the anarchist as well as the squatter movements in East Berlin, which protested against the privatisation of apartments, rent increases and the eviction of residents. The men wrote articles for *junge Welt* and for the *Telegraph*, a newspaper that was founded in GDR under the name of *Umweltblätter (Environment Newsletter)*. After 1990, *Umweltblätter* criticised the reunification of Germany and the associated appropriation of the social wealth of the GDR by the elite in West Germany. Later both men increasingly distanced themselves from the anarchist scene.

Andrej H.’s doctorate supervisor, Hartmut Häußermann, a professor at Humboldt University, told the online edition of the weekly newspaper *Die Zeit* that Andrej H. had “always affiliated himself with the left-wing scene, which is of course not a crime.” The federal prosecutor’s office though apparently saw things differently.

Paragraph 129a of the German criminal code has served, since its controversial introduction in 1976, less for fighting crime and terrorism than for the surveillance, criminalisation and persecution of opposition groups and movements. This most recent case, however, goes one step further.

The proceedings against Andrej H. and Matthias B. differ from previous cases in that the men are not alleged to have directly supported the Militante Gruppe, but rather to have used established scientific terminology. Such a line of argumentation could be used to place anyone in the field of scientific research and journalism under suspicion of terrorism.

Hartmut Häußermann explained to *Die Zeit*: “When a direct connection is made between scientific critiques of democracy and illegal activities, and scientists are burdened with the accusation that our criticisms are the basis for the terrorist activities of others, then we are left defenceless. We wouldn’t be able to publish anything more.”

The *World Socialist Web Site* was the target of a similar case in autumn 2003, when prosecutors in the state of Brandenburg alleged that the WSW had paved the way for terrorist activities, simply because one article of the WSW was found after a break-in of the immigration office in Frankfurt on the Oder. The article had denounced the anti-immigration policies of the then Social Democratic Party/Green Party federal

government.

Such baseless and absurd accusations seek to restrict the expression of opinions by denouncing them as intellectual incitement to criminal activity.

The case against Andrej H. has sparked worldwide protests with letters arriving almost daily for Federal Attorney Monika Harms.

A petition was started by Hartmut Häußermann, which has since been signed by over 2,300 academics and students throughout the country. The petition appeals to the prosecutor’s office to dismiss allegations that the work of Andrej H. “established an intellectual complicity in a terrorist organisation.”

The petition points out that such argumentation represents “a fundamental threat to the freedom of research and teachings.” It says, “The arguments of the prosecutor represent a direct threat for all those who conduct critical research, publicity and undertake artistic endeavours, and who put their names on their works out in the public. Critical research, even in connection with social and political engagement, may not be declared as equivalent to supporting terrorist acts.”

Even the American Sociological Association (ASA), which rarely comments on current social and political debates, presented a petition at its yearly conference. Among other things, it states: “We strongly reject the outrageous accusation that the academic research activities and political engagement of Andrej H. are to be viewed as complicity in an alleged ‘terrorist association’.”

Among the signatories are the internationally renowned sociologists Richard Sennett, Saskia Sassen, Mike Davis, Craig Calhoun, Peter Marcuse, as well as the chairman of the ASA, Frances Fox Piven.

Richard Sennett and Saskia Sassen published a commentary in the *Guardian* newspaper in which they compared the actions of the German authorities with the Guantánamo Bay military prison, where prisoners have been mistreated for years without having one single charge laid against them. They wrote that legislation passed in many states has created a permanent “state of exception.” “As in Guantanamo, persecution here seems to have taken the place of prosecution,” they wrote.

Matthias B., through his lawyer Wolfgang Kaleck, and the two other co-accused who are not in custody, released a statement in which they accuse the BKA and the Federal Office for the Protection of the Constitution (the German secret police) of spying on them without their knowledge and of having “investigated their private spheres in the most intimate of areas.”

The statement continues: “It may sound absurd, but the consequences for our everyday lives are devastating: For an entire year, our telephones have been bugged, our emails monitored, our entire Internet use recorded, our homes observed, our movements according to the position of our mobile phones recorded. Undercover spies have also possibly been used against us.”

The proceedings against Andrej H. and the other alleged supporters of the Militant Gruppe are closely related to the mass police raids carried out in May and June just before the G8 summit in Heiligendamm. The raids searched dozens of homes. In addition, all mobile telephones registered as being in the proximity of a G8 protesters meeting before the summit were listed. Andrej H. participated in the protests, a fact that is also being used against him.

Even back at the time of the summit, no concrete evidence was uncovered of planned attacks, a fact that even Christian Democratic Party Interior Minister Wolfgang Schäuble had to admit. In spite of this, the public were told that there existed an acute terrorist threat from political groups in Germany.

Interior Minister Schäuble used the security hysteria surrounding the G8 summit to propose an expansion of the powers of the police and secret services. This included expanding Paragraph 129a to include other crimes, according to the *Die Welt* newspaper. The terror clause is also to be used

against individuals acting alone.

Häußermann said in the *Zeit* interview: “At the moment some politicians are creating an atmosphere of a permanent threat in order to justify permanent surveillance... Critical thinking and critical analysis are disappearing, because every thought is being documented and intellectuals threatened with an isolation cell.”



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