

# Germany: Saxony's state prosecutor persecutes anti-Nazi demonstrators

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On February 13, tens of thousands demonstrated against a torchlight procession of about a thousand neo-Nazis in Dresden. For years, the extreme right has tried to use the anniversary of the 1945 allied bombing of Dresden to relativise and justify the crimes of Nazism.

The provocative activities of neo-Nazis have met with widespread opposition among the population. The Saxony state government and the Dresden public prosecutor have moved to criminalise the large demonstrations against the neo-Nazis, while leaving the neo-Nazi demonstrators themselves largely free to do as they please. The measures taken against anti-Nazi protesters are so comprehensive and so openly contradict basic principles of democracy that it is increasingly difficult to draw a dividing line between the endeavours of the neo-Nazis, the Saxon authorities and the conservative government.

Last year alone, the Dresden public prosecutor initiated 462 suits against participants of anti-Nazi protests, about 400 of which are still open. Dozens of houses were searched nationwide and more than a million mobile phone records collected from about 50,000 people. Among those placed under surveillance were people such as politicians, lawyers and clergymen, who are specially protected by law from police investigation and whose phone data cannot generally be seized. Joachim Wieland, a constitutional law expert, determined that the mobile phone monitoring conducted by the police and the prosecutor was entirely illegal.

Raids made by the Dresden prosecution office, including those on the Left Party and the Citizens' Meeting Hall, were found to be illegal by the Dresden district court. More than 120 masked police stormed a building of the Left Party on February 19 last year, forcing open doors with chain saws and break-irons. The Special Operations Command, which is trained in counter-terrorism, had been assigned to the raid on the meeting hall.

The Dresden prosecutor's office justified its huge operation by citing 23 cases of supposed "disturbances of the peace" during the anti-Nazi protests last year. However, these cases

have so far led to no prosecutions. The blockading of the neo-Nazi march proceeded quite peacefully. Attempting to undermine this telling fact, the public prosecutor placed those involved in an attack on a police station in Dresden-Plauen under "suspicion of violating the law of assembly" and tried to treat it as part of the overall strategy of hampering of the march. But the truth is that a few masked people, whose identities are unknown, simply threw snowballs at the police station.

The figure of 118 severely injured policemen is used time and again to justify the raids and surveillance measures. In fact, only 8 police officers were temporarily classified unfit for duty; most of these officers were only slightly injured while dealing with protesters.

The Dresden prosecution office regularly rejects criticism of its undertakings. Klaus Fleischmann, Saxon's director of public prosecutions, said: "It is the duty of an investigator to ensure that issues are cleared up". However, while the Dresden prosecutor has been prepared to criminalise peaceful protesters, the office's investigations proved largely indeterminate when it came to the brutal attack of 120 neo-Nazis on the alternative housing project "Praxis" in the course of the extremists' march last year.

The Saxon authorities' swing to the right is so pronounced that it receives regular coverage even the bourgeois press. *Spiegel* magazine comments: "In fact, it seems as though Saxony's authorities and judiciary are clamping down on citizens opposing neo-Nazis, while letting the right-wing extremists do what they want". Stefan Kramer, general secretary of the Central Council of Jews in Germany, remarked that people are "afraid to politically confront right-wing extremists in Saxony".

The persecution of anti-Nazi protesters reached a new level in the lead-up to this year's demonstrations. When Karl Nolle, the Saxon Social Democratic Party's (SPD's) member of the state parliament, criticised the investigative methods of the Saxon prosecutor and judiciary, politicians from the Free Democratic Party (FDP), the Christian Democratic Union (CDU) and

representatives of the prosecutor's office reacted with a campaign in the right-wing tabloid *Young Freedom*. Benjamin Karabinski, spokesman for the FDP parliamentary group, accused Nolle of defaming the free state of Saxony, its institutions and "ultimately all the citizens of Saxony". Christian Hartmann, a CDU politician, and Lorenz Haase, spokesman for the Dresden prosecutor, expressed themselves in a similar way in *Young Freedom*.

A penalty order for an alleged "disruption of processions" was issued in mid-January against André Hahn, the Left Party's faction leader in the Saxon state parliament. A short time later, Falk Neubert, also a member of the state parliament, came to the attention of Saxony's prosecutor. He was accused of "disrupting and breaking up a gathering of people".

Charges were then also laid against Left Party faction leaders in the Hesse and Thuringia state parliaments, the vice-chairman of the Berlin Union of Those Persecuted by the Nazi Regime (VVN-BdA), a youth pastor in Jena and other Saxon state parliamentarians from the SPD, Greens and Left Party.

Proceedings were also instigated by the Dresden prosecutor against Michael Leutert and Caren Lay, both Left Party members of parliament—apparently as a result of charges pressed by the neo-fascist National Democratic Party of Germany (NPD). The prosecutor claims to have "begun investigations on its own initiative", but it also confirmed having received a letter from a lawyer representing the NPD.

There also seems to be a certain division of labour in the Saxony state parliament between the neo-fascists and the Saxon state government. NPD parliamentarians regularly table questions about "leftist violence," which—according to press reports—Interior Minister Markus Ulbig (CDU) "is keen to" pursue. Ulbig mentions alleged offences as well as investigations into "old cases", attempting to amass evidence of an "explosion of left-wing extremist crimes". Klaus Bartl, a member of the Left Party faction, described Ulbig's response to a February 6 inquiry from NPD member Andrew Storr as "a biasedly complacent answer...in advance of this year's February 13 (anniversary of the fire bombing) in Dresden".

The campaign waged by ultra-right groups is also underway in other state legislatures and in the German Bundestag (federal parliament). The appropriate parliamentary committee's waiver on the persecuted deputies' immunity from prosecution is required by the Dresden prosecutor in order to place them under investigation. Such a waiver has already been effected in the cases of the previously mentioned faction leaders and the two Bundestag members. Aided by the votes of the NPD, the CDU-FDP coalition in the Saxon parliament were able to suspend the immunity of André Hahn. When it comes to the

ballot in the Bundestag's immunity committee on February 9, the NPD will also be able to count on the votes of the SPD.

The state tracking and monitoring of, in particular, supporters of the Left Party—it was only recently confirmed that 27 Left Party federal deputies are currently under the surveillance of the Office for Protection of the Constitution—must be seen against a wider social and political background, and cannot be attributed merely to the right-wing traditions of the politics and the judiciary in the state of Saxony. To the extent that social divisions are sharpening, the bourgeois state is intensifying its repressive measures at all levels. The campaign is directed not so much against members of the Left Party—no one expects a threat to capitalism from them—as against the working class.

Under the surface, an enormous social storm is brewing against the mass layoffs and austerity policies dictated by the banks. The constantly mounting social inequality in Germany is bound to meet with resistance, just as it has in Greece. The ruling class is preparing for this by dismantling democratic rights and jettisoning the rule of law on a massive scale. As in the 1930s, collaboration with right-wing forces in this process is occurring in increasingly alarming ways.

It has become clear over recent weeks how deeply state agencies are involved in the far-right milieu. The National Socialist Underground (NSU) terrorist group was able to pursue a bloody campaign against foreigners for over 13 years because it was directly and indirectly assisted by the German intelligence community and other state security agencies. The NSU's breeding ground is in Saxony, where cooperation between neo-fascists and the bourgeois state is becoming increasingly obvious.



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