

German state court defers trial of neo-Nazi gang

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On April 15, the Higher Regional Court in Munich decided to defer the start of the long awaited trial against the only surviving member of the NSU neo-Nazi terror gang and four alleged accomplices. The trial is now due to start three weeks later, on May 6. The court justified this step on the basis of a prior judgment by the Federal Constitutional Court, which stipulated that representatives of foreign media outlets be allowed access to the trial.

Rather than allowing media representatives to obtain immediate accreditation to attend, the presiding judge, Manfred Götzl, decided to delay the entire trial. This means it still remains open whether foreign journalists will be permitted to attend or not.

The deferment of the trial is first and foremost an affront to the families of the victims of the National Socialist Underground (NSU). Seventy-seven family members of victims plan to attend the trial as co-plaintiffs. They had already booked travel and accommodation and taken holiday leave to ensure their participation. Now, many of them will have to return to their towns and cities of origin empty-handed.

This is particularly important because representatives of the co-plaintiffs have made clear that in addition to obtaining information about the crime and the guilt of the five accused, they also sought to uncover the role played by the German intelligence agencies and other governmental bodies in the NSU murder spree.

Gamze Kubasik, whose father Mehmet was murdered in Dortmund in 2006, told the *Ruhr Nachrichten*, that she wanted to “know the whole truth”. “Maybe I will learn during the trial in Munich why these terrorists selected my father as a victim, who helped them, and to what extent government agencies were responsible”, she said.

She described the postponement of the trial as a “slap

in the face”. She had prepared thoroughly for the trial and was adamant: “I want to be present in Munich”. She was critical of the fact that families had not been informed in advance about the postponement of the trial. “It is just too much for my family”, the young woman said.

Already in the initial process of accreditation, which has now led to the postponement of the trial, Judge Götzl had made clear he sought to limit the parameters of the trial to the direct criminal responsibility of the five accused and exclude any broader examination of the social background of the crimes, as well as the role played by public authorities.

Nine of the ten victims of the NSU murders are of foreign origin, eight of them originating from Turkey. In the trial, the sole survivor of the alleged NSU “terrorist trio”, Beate Zschäpe, is accused of complicity in ten murders, carrying out arson attacks, and membership of a terrorist organization. Her fellow accused are four alleged supporters of NSU.

Despite global and Turkish interest in the proceedings, Götzl refused to provide accreditation to foreign journalists seeking to cover the trial. Instead, German regional papers were provided accreditation. This process excluded those media outlets likely to take a critical view of the trial and also discriminated against elderly relatives of the murder victims who rely on reports in the Turkish language.

A few days ago it was also revealed that massive manipulation of media representatives had taken place, with some media outlets previously informed about the accreditation process while others were only contacted after many places had already been awarded.

There are also gaping holes regarding the list of witnesses that was in the hands of a number of newspapers a few weeks ago. The *Tagesspiegel*

reported that the list includes almost 370 witnesses, but questioning of the witnesses is only expected to last seven months. “The criminal division evidently wants to act quickly, less than an hour has been allocated for the questioning of a number of witnesses”, the newspaper wrote.

According to information from *Neues Deutschland*, key figures associated with the neo-Nazi milieu have not been included on the witness list. One absentee is Carsten Szczepanski, alias “Piato”, a former undercover agent for the Brandenburg state intelligence agency who now lives incognito under a witness protection program. Research by the *Tagesspiegel* suggests that he may have played a direct role in the disappearance of the NSU into the underground. Either he did not inform his paymasters or the intelligence agency was directly involved in covering up for him. The Brandenburg Interior Ministry has refused to comment on the affair.

Also lacking on the witness list is Jan Werner, former head of the neo-Nazi network Blood and Honour in the state of Saxony. He is suspected of having supplied the NSU trio with weapons. Max Florian Burghard is also not on the list. He is alleged to have assisted the trio in obtaining an apartment and providing documents. Contacts of the trio in Bavaria and Baden-Württemberg, where six of the ten murders took place, are also absent from the witness list, according to *Neues Deutschland*.

Such anomalies revealed in the past few months point to a deliberate attempt to ensure that the involvement of state intelligence agencies in the murders is kept out of the trial. The chairman of the parliamentary committee of inquiry into the NSU, Sebastian Edathy, put forward arguments supporting such suspicions. “You should not overload expectations in the trial”, he said. The Munich judges had the task of examining whether the guilt of the accused was proven. The trial would not be able to provide explanations for the unprecedented failure of security agencies, he continued, saying that was a matter for his own committee.

The relatives of the victims appearing as plaintiffs, however, do expect to learn a great deal from the trial precisely because the parliamentary committee and state investigations have done so little to elucidate the role of the secret services.

Although it has now emerged that the Federal Office

(BFV), the state intelligence agencies (LFV), the Military Counterintelligence Service (MAD) and the Berlin State Office of Criminal Investigation (LKA) had at least 24 undercover agents placed in the direct vicinity of the NSU, these agencies refuse to hand over key files to the investigating committees. A number of highly relevant documents were officially destroyed after the NSU murders became public.

There are numerous indications that the intelligence services funded the circles around the NSU, protected the gang from prosecution and largely provided the personnel. In the case of several murders an official of the Hesse state intelligence agency was in the immediate vicinity of the crime scene. But so far, not a single representative of the intelligence services has been prosecuted.

This is unlikely to change with the trial in Munich. This is evident not only from the behavior up to now of presiding judge, but also from the fact that Zschäpe’s lawyer Anja Sturm has announced that her client will not testify in court.

Zschäpe’s decision to remain silent has been directly animated by government agencies. Already in December 2011, shortly after her arrest, the Federal Interior Ministry declared that Zschäpe’s involvement in murder, accessory to murder and membership of a terrorist organization could not be proven if she failed to testify.

The two alleged accomplices of Zschäpe can no longer be tried. They died during a police operation on November 4, 2011, which first brought the activities of the NSU to light. There are considerable doubts regarding the official version of their deaths, that they were suicides.



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