

Trial of neo-Nazi terrorist group begins in Munich

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The so-called NSU trial began on Monday at the Higher Regional Court (OLG) in Munich. The principal defendant, 38-year-old Beate Zschäpe, stands accused of forming the National Socialist Underground (NSU) together with Uwe Böhnhardt and Uwe Mundlos. She faces allegations of complicity in 10 murders and of particularly hazardous arson and attempted murder.

The trio, who lived for 13 years under false identities under the eyes of the German security agencies, are believed to have committed 10 murders, two bomb attacks and numerous bank robberies. Except for a female police officer, those murdered were exclusively immigrants who died as a result of racially motivated attacks.

Zschäpe herself has not been charged in any of the fatal shootings. But she is accused of sharing responsibility for all the NSU crimes due to her membership in the organisation. Following the death of Böhnhardt and Mundlos, who allegedly killed themselves after they were discovered by the police, she also set the trio's flat on fire, seriously endangering the life of a neighbour.

Four men are on the dock along with Zschäpe.

The neo-Nazi and long-serving Thuringia National Democratic Party (the extreme right-wing NPD) functionary Ralf Wohlleben is indicted for aiding and abetting murder. He is said to have helped the NSU after it went underground and procured the weapon that was used in most of the murders. Wohlleben, like Zschäpe, has been remanded in custody.

Carsten S. is also accused of complicity in murder for passing the murder weapon on to the trio. The 33-year-old is alleged to have renounced neo-Nazi involvement years ago. He has made a formal confession of his role in the events.

André E. is answerable to abetting a robbery and a

bomb attack. He and his wife, Susanne, are said to have been close friends with the NSU trio up until their detection.

Holger G. is believed to have helped the NSU procure identity documents and another weapon. Like Carsten S., he has submitted a detailed confession.

In addition to the federal prosecutor, approximately 80 plaintiffs—who are either associates of the murder victims or members of their families—are involved in the NSU proceedings. Seven of the attorneys of these plaintiffs gave a press conference in Munich last Sunday. They made it clear that they expect the proceedings to uncover the background to the NSU and its operations. According to a joint statement from the attorneys, it is very difficult to imagine that the NSU had consisted of only three dangerous right-wing extremists.

“It is not our aim to achieve maximum punishment for the accused in the shortest possible time. What we are most interested in achieving is the broadest possible clarification of how these crimes eventuated”, said attorney Angelika Lex, counsel for the widow of Theodore Boulgarides, who was murdered in Munich on June 15, 2005.

Lex stressed that her client wanted to know how her husband came to be selected and spied upon, and why he became a victim of the NSU. She also wanted to know what networks in contact with the killers were able to aid them and what the authorities knew about the murder.

Representing the daughter of Mehmet Kubasik, who was murdered in Dortmund, attorney Sebastian Scharmer said: “We are not concerned about securing a conviction of the five defendants as soon as possible. We intend making the failure of the state an issue in this trial”.

Scharmer is convinced that the NSU consisted of more than 100 people, among whom were undercover agents from the secret service. He wants to clarify why the three members of the NSU—who were known to the authorities—had not been arrested in 1998, who financed the NSU, and what role undercover agents played in the gang's crimes.

“Since neither the investigating authorities nor any of the parliamentary inquiry committees have been able to fully explain the circumstances surrounding the offences, we will now endeavour to pursue this task”, Scharmer said. He criticised the federal prosecutor for excluding from the indictment any reference at all to the failure of the state investigative bodies.

Attorney Alexander Kienzle, representing the family of Halit Yozgat, who was murdered on April 6, 2006, said in an interview with the *taz* newspaper that the family expects that “in transparent constitutional proceedings the involvement and knowledge of state authorities will be clarified”.

He said the family members themselves had become the subject of an investigation immediately after the deed and were required to offer investigators transparency into the most private areas of their lives. “They now expect this transparency to be mirrored by that of the intelligence agencies and police authorities”, added Kienzle.

The Munich OLG and the office of the federal prosecution have made clear that they are not willing to meet the plaintiffs' expectations of a comprehensive clearing up of the case. They will try to restrict proceedings to inquiry into the immediate circumstances surrounding the events and focus exclusively on the defendants.

Court president Karl Huber said the court would not be another inquiry committee. It would concentrate on “the core task”—i.e., it would “conduct proper criminal proceedings, that could not be challenged in an appeal court, and verify if the defendants were guilty according to criminal law”.

In advance of the proceedings, presiding judge Manfred Götzl had pointedly displayed his contempt for the concerns of victims and the public interest in the trial. Only 50 media representatives were allowed to attend the much too small courtroom, and these failed to include a single member of the Turkish media, although 8 of the 10 murder victims were of Turkish

origin.

Only after a ruling by the Supreme Court did the Munich OLG reassign seating for the media—this time, through a lottery excluding major national media bodies that could have delegated legally trained journalists.

The federal prosecutor is planning a monumental trial lasting more than two years. It has compiled 600 folders with 280,000 pages of investigation files and will summon 600 witnesses. The indictment alone consists of 488 pages. But much of this detail—such as the brand of shampoo used by Zschäpe—is largely irrelevant to an assessment of the murders. The background to the crimes, however, remains in the dark.

At the press conference, the co-plaintiffs' attorneys were confident they will be able to penetrate the obstructive stance of the federal prosecutor and the court.

Attorney Scharmer explained that they were intent on finding out more than what was mentioned in the indictment, and on making the background of the NSU a subject of the proceedings. “These questions cannot be suppressed. And we will ask them”, he said.

Representing the children of Enver Simsek, who was murdered in Nuremberg, attorney Stephen Lucas added that the plaintiffs had not only been victims of the murder of their family members; they were also victims of misguided official investigations, where “negligence or intent may well have played a role”.



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