

How the German secret service monitors the Internet

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The German authorities have responded officially with great restraint to the revelations of the whistleblower Edward Snowden about wire-tapping by American and British intelligence agencies, although millions of German citizens are affected.

Chancellor Angela Merkel raised the issue during the state visit of President Barack Obama. They agreed on a “dialogue”, which has no political consequences. The German Interior Ministry sent a questionnaire to the British Ambassador. This is all. Government spokesman Steffen Seibert has emphasized that the Chancellor will not raise the issue at the EU summit at the end of the week.

German reluctance on the issue is grounded in the fact that the Federal Intelligence Service (BND) also spies intensively on the Internet, and is massively expanding its capacity to do so. The German foreign intelligence service also knew—at least partially—about the American and British spying programs, and has benefited from them.

The BND has systematically monitored international telephone and communications traffic since at least 1968, when it officially received the authority for strategic intelligence. In the context of the Cold War, practically every telephone call in both directions between East and West Germany was monitored by the secret services on both sides of the Berlin Wall.

After the fall of the Berlin Wall in 1990, international monitoring operations were not halted, but rather extended. From 1994, the BND scoured the international communications traffic for, among other things, clues to terrorist attacks, counterfeiting, drug and arms trafficking. Hamburg criminal law professor Michael Köhler and the *taz* newspaper filed a legal complaint with the Federal Constitutional Court in 1998 against this practice. After two days of

proceedings the court dismissed the case.

In 2001, parliament expanded the BND's powers to monitor email traffic to and from Germany, with the restriction that no more than 20 percent of international communications be checked. Supposedly, the BND is only able to check 5 percent.

As with the American and British spy agencies, the BND accesses information directly at main Internet hubs. According to newsweekly *Der Spiegel*, the largest traffic control “takes place in Frankfurt, in a data processing center owned by the Association of the German Internet Industry. Via this hub, the largest in Europe, e-mails, phone calls, Skype conversations and text messages flow from regions that interest the BND.”

Last year, the BND monitored one in twenty phone calls, emails, and Facebook posts, searching them with more than 16,000 search terms. Officially, German Internet users are not taken into account in order not to violate their fundamental rights. In practice, however, this separation is infeasible. Considering that other authorities (such as the federal secret service and the 16 state branches of the secret service, Military Counterintelligence and the Criminal Police) listen in to telephone conversations and Internet communications as well, Germany is one of the most monitored countries in the world.

The BND is expanding massively. A new headquarters the size of an entire district is being built on Berlin's *Chausséestraße*, moving operations to the capital from Pullach near Munich.

In the next five years, the BND plans to hire 130 staff for a new subdivision for Internet monitoring and cyber defence, and is investing €100 million solely to improve its monitoring of communications. So far, this sum has only been partially granted. Originally, the

BND had demanded €360 million.

Both the German government and the BND claim not to have known about the “Prism” program of the US National Security Agency (NSA) or “tempura” operated by the British GCHQ eavesdropping centre before they were exposed by Snowden. This is obviously untrue, as a senior Interior Ministry official has confirmed.

It was “known in general terms” that there are such programs, Undersecretary Ulrich Weinbrenner told a parliamentary committee on Monday. “No one who is a little familiar with the matter” could say that they were “fundamentally surprised” about this type of strategic intelligence operation.

The reason why the BND is feigning ignorance is because it does not want “its own work discredited by reports of the American and British programs”, the *Frankfurter Allgemeine* noted.

Nevertheless, the concerns expressed over the massive US and British eavesdropping programs in Germany are not merely play-acting. While the massive violation of basic democratic rights causes little concern in official circles, representatives of the ruling class are worried that the data collected could be used to gain economic and political advantages. This theme runs through many articles and editorials.

Wolfgang Bosbach, chair of the Parliamentary Interior Committee, said on Deutschlandfunk radio: “This is not ‘just’ about the protection of private communications’ content; it is about protecting business secrets, trade secrets concerning highly sensitive research. If spying is being carried out on this scale, it is also a problem for German companies worldwide.”

The Hesse state Justice Minister Jörg-Uwe Hahn (Free Democratic Party, FDP) described Britain as a “data-leech of the European Union”. It's like being in a bad Bond film, he told business daily *Handelsblatt*: “Can the British government be trusted not to use its spy network to the detriment of the partners on issues of trade?”

Left Party Member of Parliament Ulrich Maurer spoke of a “potential for threats and blackmail on an unimaginable scale”. His party colleague, Steffen Bockshahn, appealed to the government that it has the “duty to enforce protection of information for Germans”. As always in the event of international

conflicts, the Left Party sides with the German bourgeoisie.

The sharp nature of these conflicts and the ruthlessness demonstrated by “partners” on both sides of the Atlantic in pursuing their economic and financial interests is demonstrated by the example of Switzerland.

The Swiss government has recently submitted express legislation which, contrary to current law, authorizes Swiss banks to deliver internal information to the US Justice Department on their transactions with US customers as well as the names of bank employees and lawyers who advise these clients. In this way, they are to be handed over to the American judicial system for prosecution.

Massive coercion was involved to have the Swiss government present this constitutionally questionable law. If it is not adopted in time, the US government is threatening to force Swiss banks, including some in public ownership, into bankruptcy, with penalties running into billions.



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