

Child pornography scandal rocks Germany's grand coalition government

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Since the resignation of Agriculture Minister Hans-Peter Friedrich (Christian Social Union, CSU) on February 14, the affair of former Social Democratic Party (SPD) parliamentarian Sebastian Edathy has escalated.

In October 2013, Friedrich, who was then interior minister, told SPD chairman Sigmar Gabriel that Edathy was being investigated on suspicion of purchasing child pornography. Gabriel relayed this to other SPD Bundestag (German federal parliament) representatives and may therefore also have warned Edathy. When the matter became known and Thomas Oppermann, chairman of the SPD parliamentary faction, publicly announced that Friedrich had informed Gabriel, Friedrich had to resign.

This has triggered a serious crisis in the grand coalition. Friedrich's party, the CSU, is accusing the SPD of a breach of trust and calling for Oppermann's resignation.

The dueling accusations and the governmental crisis are obscuring critical political issues. From January 2012 to the autumn of 2013, Edathy led the Bundestag's investigation committee's inquiries into the neo-Nazi National Socialist Underground (NSU) murders. He repeatedly clashed with leading security officials. His political career and personal reputation have now been destroyed by leaks from the same security apparatus although, as far as is currently known, he has committed no legal offence.

Many politicians, investigators and state prosecutors at the federal and state levels manifestly knew about the suspicions concerning Edathy. In November, Edathy engaged an attorney who inquired whether investigations were being conducted against his client.

On February 8, Edathy renounced his parliamentary seat "for health reasons". Two days later, the public prosecutor's department raided his private residences and offices in Lower Saxony and Berlin. A local paper published photographs of the search, reporting Edathy's alleged link with child pornography.

At a February 14 press conference, the Hanover public prosecutor—who is also conducting proceedings against ex-President Christian Wulff—gave detailed information about pictures and movies of naked boys Edathy had ordered from a Canadian Internet firm.

The material "borders on what the law deems child pornography", claimed director of public prosecutions Jörg Fröhlich. However, he had to admit that searches had yielded "rather meagre" results, and that the Federal Criminal Investigation Agency (BKA) had classified the confiscated photos and footage as "not indexed".

Edathy does not deny he procured the films, but he insists they are legal and his own private concern. He has lodged an official disciplinary complaint against the prosecutor's office for leaking the matter to the press.

Legal experts criticised the conduct of the prosecutor's office. Law professor Monika Frommel called searches of offices and private spheres without reasonable suspicion "fundamentally unlawful attempts to obtain pre-trial evidence".

Heribert Prantl expresses a similar view in the *Süddeutsche Zeitung* newspaper. He argues that house searches conducted in the absence of reasonable suspicion of a crime are "highly problematic" and "criminal under common and constitutional law". They are subject to "endless charges of illegal investigation", wrote Prantl.

Edathy's reputation and political career have been ruined by the public announcement of the suspicions against him. The SPD has abandoned him and begun proceedings to expel him from the party, although he has been neither charged with an offence nor accused of violating a law. The political establishment and media are using the scandal to conduct a campaign for tougher laws against selling images of naked children and adolescents.

Left unmentioned, however, is the relationship between Edathy's role in the NSU investigation committee and his abrupt fall. During its 15-month-long inquiry, the

committee's proceedings were systematically obstructed by the authorities. Files were shredded, redacted and withheld. Witnesses stonewalled, were suddenly taken ill, were forbidden by their political superiors to make statements, and treated the committee and its chairman with the utmost arrogance.

The committee failed to answer the central question: how could a right-wing terrorist group commit racially-motivated murders of foreigners for years, under the very eyes of state security authorities, and with their acquiescence and at least indirect support? However, Edathy certified that the police and intelligence services investigated the NSU terrorist cell in a prejudiced and blinkered way. He blamed the security agencies for "multiple" and "historically unprecedented" failures.

It is now known that the federal (BFV) and state (LFV) intelligence agencies, the Military Counterintelligence Service (MAD), and the Berlin State Criminal Investigation Department (LKA) planted at least 24 undercover agents in the immediate milieu of the NSU.

The Thuringian Homeland Security (THS) right-wing network, which spawned in the 1990s the terrorist group led by Uwe Böhnhardt, Uwe Mundlos and Beate Zschäpe, was established by Tino Brandt, an informer of the secret service, and financed by the Thuringian state intelligence agency with hundreds of thousands of deutschmarks.

Whether the murder trio and the intelligence agencies were directly linked remains a well-kept secret. It is known, however, is that the Military Counterintelligence Service (MAD) tried to enlist Uwe Mundlos as a collaborator and informer in 1995. *Focus Online* reported that "Beate Zschäpe is well known to have worked for the secret service in Thuringia", citing information from the Thuringian Criminal Investigation Department.

In November 1997, the Thuringia intelligence agency had Mundlos and Böhnhardt under surveillance when they were buying potential bomb components. Two months later, police raided a garage rented by Zschäpe and found a bomb workshop with four viable pipe bombs. Uwe Böhnhardt was present but was allowed to escape unhindered.

It was later revealed that the explosives for the pipe bombs—about 1.4 kilograms of TNT—had been obtained by Thomas Starke, a former friend of Beate Zschäpe. Starke was an undercover agent of the Berlin State Criminal Investigation Department.

The secret service's involvement in the right-wing terrorist murders was so extensive that an employee of the Hesse state intelligence agency was present at the time of

the murder of 21-year-old Halit Yozgat in a Kassel Internet cafe in April 2006.

The murder of female police officer Michele Kiesewetter in Heilbronn in April 2007 remains unsolved. This crime does not fit the pattern of the other, racially motivated murders. Two police officers who joined a German branch of the racist Ku Klux Klan (KKK) for several months were involved in the case.

When these issues arose in the investigation committee proceedings, Sebastian Edathy pointed out that the half of the KKK organisation consisted of undercover secret service agents. These included Thomas Richter, alias "Corelli", who worked as an undercover agent for the Federal Intelligence Office for more than ten years. Intelligence officials only provided parliamentarians with documents on "Corelli", which were extensively redacted, after Edathy threatened to take the matter to the constitutional court.

In September last year, a 21-year-old witness came forward to state that he had important information about the murder of police officer Michele Kiesewetter. He was found dead in his car on the day of his scheduled hearing. Despite his mother's protestations, his death was classified as suicide and the investigation terminated a few days later.

Edathy clashed particularly sharply with Klaus-Dieter Fritsche (CSU), when he was interrogated by the committee of inquiry. Fritsche was vice-president of the Federal Intelligence Office for almost ten years, then intelligence coordinator at the federal chancellery, and permanent state secretary at the federal interior ministry from 2009.

It is not known whether the intelligence agencies already had suspicions about Edathy in October 2012. However, Jörg Zierke, president of the Federal Criminal Investigation Office, informed Klaus-Dieter Fritsche, secretary of state at the interior ministry, about it in October 2013.

That led to Edathy's fall, while Fritsche, who was repeatedly mentioned in connection with cover-ups and document shredding, began to rise. He is now secretary of state in the federal chancellery in charge of all the intelligence agencies.



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