

German neo-Nazi trial: Why is Zschäpe silent?

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The judge in the trial of members of the National Socialist Underground (NSU) last week rejected a request by the main defendant, Beate Zschäpe, to dismiss her public defenders.

On July 16, Zschäpe told a police officer in the Munich Higher Regional Court that she had lost confidence in her three lawyers. She confirmed this with a nod when asked by the court's presiding judge, Manfred Götzl.

Since the three, Wolfgang Heer, Wolfgang Stahl and Anja Sturm, are court-appointed public defenders, Zschäpe cannot fire them herself. That decision rests with the court.

Judge Götzl called on Zschäpe to give a written explanation of the circumstances pertaining to the loss of confidence, which Zschäpe then did with the help of a fourth lawyer. Last week, the judge denied her request and ordered the trial to continue.

The *Süddeutsche Zeitung* reported that Zschäpe had especially criticised the fact her attorneys had not directed all the questions to witnesses that appeared to her to be important. "Her discontent had apparently been aroused by the questioning of the witness Tino Brandt the previous week," the newspaper wrote.

As an undercover agent of the Thuringia state Office for Protection of the Constitution (the state Secret Service), Brandt established the Thuringia Homeland Security (THS), using money provided by the authorities. The THS was the precursor to the far-right NSU, which went on to kill nine people in racist-motivated crimes. It also killed a female police officer and carried out bomb attacks on immigrants.

The *Leipziger Volkszeitung* reported on Brandt's testimony under the headline, "NSU Trio Received Money from the Secret Service."

Brandt testified that as a result of a phone call from someone in the far-right milieu, he found out that the NSU trio of Beate Zschäpe, Uwe Mundlos and Uwe Böhnhardt had gone to ground. He began to raise money for the three, initially among neo-Nazi regulars in bars and at a concert. However, the donations dried up, and Brandt turned to the authorities. He said "the state of Saxony had donated—six, seven times."

The *Leipziger Volkszeitung* made clear that Brandt was referring to payments given him by the Secret Service that were meant for the NSU. The newspaper reported that the presiding judge asked whether the money was expressly meant to be passed on to the trio, and Brandt replied, "As far as I can recall, it was directly meant to be handed on."

The undercover agent testified that he could not remember

clearly the exact amount that was disbursed or the identity of the contact person to whom he passed on the funds. However, he had earlier boasted that he had received some 200,000 German marks from the Secret Service and used it to build up right-wing organisations.

The trial has been ongoing for 130 days, but the main accused, Zschäpe, has refused to testify, on advice from her lawyers exercising her right to silence. It is significant that her petition to sack her lawyers was made directly after the questioning of Brandt.

It is quite possible that Zschäpe either would like to testify or wants her attorneys to press more aggressively on the question of Secret Service collaboration with the NSU and the far-right milieu more generally. On this issue, she likely would have much to say.

It is now a matter of record that the far-right element, including the THS and the NSU, would not have been able to develop in the way that it did without the support of various branches of the secret services. The findings of three judges of the Supreme Court more than 11 years ago, which led to the termination of proceedings to ban the neo-Nazi German National Party (NPD), apply no less to the THS, NSU and the entire far-right milieu. The three judges found that the influence of state bodies on the NPD was so great that that its actions had to be "spoken of as an affair of state."

It is now well known that the federal and state organs of the Secret Service (BfV and LvF), the Military Counter-Intelligence Service (MAD), and the Berlin State Criminal Police (LKA) had infiltrated at least 24 people into the immediate periphery of the NSU.

In April 2006, when the 21-year-old Halit Yozgat was shot in an Internet café in Kassel, Andreas Temme was present, the leader of Hesse state's Secret Service undercover operations. A few hours earlier, he had met with one of his undercover agents, who was in the city and in contact with Thuringia.

Temme himself is no stranger to far-right views. In his home town, he was called "Little Adolf." In searches of his house, passages from Hitler's *Mein Kampf* were found.

The two NSU members Uwe Mundlos and Uwe Böhnhardt were known to the police and the secret services since the mid-1990s. In 1995, the Military Counter-Intelligence Service spoke to Mundlos to win him as an employee and informer.

In November 1997, the Thuringia state Secret Service observed Mundlos and Böhnhardt purchasing possible bomb components.

Two months later, the police searched a garage rented by Zschäpe and found a functioning bomb workshop. Böhnhardt was present and was able to drive away in his car unhindered.

Subsequently, the three terrorists allegedly went to ground. The same year, the Gera state prosecutor allowed telephone recordings that Böhnhardt had made in the four weeks following the search of the bomb-making garage to be erased.

The leader of the far-right music label “Blood & Honour” in Saxony, Jan Werner, was, as early as 1998, in close contact with the three fugitives. Carsten Szczepanski, an undercover agent of the Brandenburg state Secret Service, code-named “Piato,” was active in the NPD and had been sentenced for the murder of an asylum seeker. He reported that Werner had personal contact with Böhnhardt, Mundlos and Zschäpe. Werner had the job of “supplying the three fugitives with weapons,” he said.

Werner, in turn, was in telephone contact with a mobile phone registered to the Saxony state Interior Ministry, according to the Thuringia investigation report. On August 25, 1998, about seven months after the trio had gone to ground, Werner sent his contact person in the Interior Ministry a text message asking, “Hallo, what’s happening with the bums?” He inquired whether the Secret Service had procured weapons for him.

In the underground, the three fugitive terrorists were helped by the neo-Nazis André Eminger and Holger Gerlach, who are presently in the dock alongside Zschäpe, as well as the former NPD functionary Ralf Wohlleben and Carsten S.

It is on record that countless clues pointing to the whereabouts of the three terrorists were never followed up.

It is unclear to what extent other Secret Service operatives and undercover agents were in contact with the NSU terrorists between 1998 and 2011. Important undercover agents were prevented from giving evidence, and many files were withheld, redacted or shredded.

On November 4, 2011, when Mundlos and Böhnhardt supposedly committed suicide, Zschäpe disappeared for four days. On November 8, she presented herself to the Jena police. Just two hours later, the leader of the “procurement” section in the department for right-wing extremism at the federal Secret Service, Lothar Lingen, began looking through the files. (The term “procurement” refers to the gathering of information—i.e., the recruitment of undercover operatives in the far right.)

The very next day, Lingen ordered the destruction of the first file. As of July 4, 2012, the federal Secret Service alone had destroyed a total of 310 files containing thousands of documents.

It is impossible to draw a line separating the actions of the right-wing radicals and neo-Nazis, on the one hand, and the role of the state on the other.

This in no way diminishes the crimes of Böhnhardt and Mundlos, who most probably committed the murders. Zschäpe is also culpable. But there is truth in what the father of Mundlos said in court, when he asserted that without the Secret Service and its informers, his son would not have “slid into the right-wing scene.”

The role and responsibility of the state and its intelligence agencies in the crimes of the NSU are clearly not to be addressed in the Munich proceedings. “No state secrets can be made known that would undermine government activities,” Klaus-Dieter

Fritsche, deputy leader of the Secret Service from 1996 and later a state secretary at the Interior Ministry, told a parliamentary committee of inquiry in 2012. Fritsche has since been promoted to Secret Service adviser in the Chancellery.

Of what state secrets was he speaking? Which fascists worked and continue to work for the Secret Service? Possibly Beate Zschäpe?

In November 2011, the *Leipziger Volkszeitung* wrote that Zschäpe had worked for the Secret Service in Thuringia. The indication had come from the Thuringia state Criminal Police. She had supposedly obtained information for the authorities about the right-wing scene—i.e., she worked as an undercover informant.

For this reason, she was protected by the Thuringia state Secret Service. During this time, Zschäpe had used five different aliases.

The Thuringia state Secret Service, which had generously financed Tino Brandt, disputed this presentation. It claimed that although there had been contact with Zschäpe, and her recruitment as an informant had been considered, this had not been done because of her instability and drug use. (In April of this year, a witness before the Munich court who knew Zschäpe since 1992, and who had had an affair with her for a short time, testified that alcohol and drugs had been “a red rag” for the defendant).

The fact is that in several interrogations in the summer of 1996, Zschäpe had already passed on information to the authorities about the right-wing milieu. “I want to work with the police,” she told officials in Jena on August 5, 1996. Jena was where she turned herself in 15 years later.

It is also a fact that on November 4, 2011, just one-and-a-half hours after she had blown up the flat she shared with her two accomplices, Zschäpe received a call from a mobile phone belonging to the Saxony state Interior Ministry. The ministry evidently had her number on speed dial.

If Zschäpe was an undercover informant, she cannot break her silence without putting herself in mortal danger. She would not be the first person to die under mysterious circumstances since the beginning of the trial.



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