

# Germany: Official report speaks of “deliberate sabotage” by secret service in NSU case

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In mid-July, the Thuringia state parliamentary committee of inquiry into the series of murders by the far-right National Socialist Underground (NSU) presented its final report. It raises serious allegations against the state security authorities.

So far, the actions of the secret services and judicial authorities in relation to the NSU have been mostly described as errors, incompetence, official sloppiness, failures, breakdowns, unfortunate circumstances, accidental shredding, and so on.

The detailed report goes much further. For the first time, it openly says that the behaviour of the authorities involved in the NSU investigation in Thuringia gives grounds for “suspecting deliberate sabotage”. The police, secret service and judiciary had provided so little cooperation in the investigation of the NSU that one can no longer speak of unfortunate circumstances or breakdowns, committee chair Dorothea Marx (Social Democratic Party, SPD) said in Erfurt.

In the opinion of the committee, the series of murders by the neo-Nazi terrorist cell could have been prevented if the investigating authorities had not previously displayed such serious misconduct, Marx said. The alleged perpetrators come from Thuringia; therefore the Thuringia authorities bear “a special responsibility and a special guilt.”

The committee began its work in February 2012, after the NSU was broken up in November 2011. In just 70 sessions, more than 100 witnesses were heard. Its final report comprises more than 1,800 pages and is available online.

The report is of particular importance in many respects. The alleged right-wing terrorists Uwe Böhnhardt, Uwe Mundlos and Beate Zschäpe came from Jena, the second largest city in Thuringia. All three joined the far-right scene there in the 1990s.

Above all, it is clear that in Thuringia, more than in almost any other state, government agencies played a central role in building up this milieu. The undercover operative Tino

Brandt received about 200,000 Deutsche Marks from the secret service, which he mainly invested in the construction of the neo-Nazi scene, he said. And Böhnhardt and Mundlos died in the Thuringia city of Eisenach on November 4, 2011, in a motor home, supposedly by committing suicide.

On that day, it came to light that, supposedly undetected over 13 years, the NSU committed 10 murders, at least two bomb attacks and 14 bank robberies. It is also known that at least two-dozen secret service undercover agents were placed in the immediate environs of the NSU.

Through financing these undercover operatives, large sums of money flowed into the far-right scene. Immediately after these close connections between far-right terrorists and the secret service became known, the destruction of thousands of intelligence files began. Police and intelligence officials who were called to testify before inquiry committees and in the Munich NSU trial were either not granted permission to give evidence, refused to testify, or could not remember anything.

The Thuringia committee of inquiry brought together facts exposing overwhelming evidence against the investigating authorities.

In relation to the NSU trio, who went to ground in 1998, the report says: “Seen all together, the history of all those involved in conducting, or not conducting, the manhunt between 1998-2003, is a disaster”. Even if one puts the best case, one must assume the responsible parties displayed “sheer indifference to finding the three fugitives in comparison to other tasks”. It then states: “The accumulation of false or untaken decisions, and the non-observance of simple standards, also lead to the suspicion of deliberate sabotage and deliberate thwarting of the search for the fugitives” (all quotations on p. 1,582 of the report).

The Thuringia State Office for the Protection of the Constitution (TLFV, as the state branch of the secret service is called) had prevented the trio from being found: “By withholding important information...the TLFV has at least

indirectly protected the fugitives,” the report finds (p. 1,584).

In several cases, undercover agents had been protected by the secret service against actions by the police or the public prosecutor. In the case of Tino Brandt, “at least one attempt to influence an...investigation...by the TLFV was proven”, as far as the committee was concerned. Furthermore, the committee “came to the conclusion that Tino Brandt was warned—by whomever—about the investigation into him, benefiting from the perverting of the course of justice that resulted (p. 1,580).

It was also established that “the majority of the other undercover operatives and subjects” were “offenders, who committed crimes, in part during their deployment” (ibid).

As became clear, the Thuringia secret service could operate undisturbed and uncontrolled, especially in the 1990s. “With regard to the administrative and technical supervision” of the secret service by the Thuringia Ministry of the Interior, it must “be stated that at least until the year 2000 this did not exist” (p. 1,585).

However, the Public Prosecutor’s Office and the Thuringia State Office for Criminal Investigation (LKA) also face serious allegations. Their actions had led to “the case only [being] worked on sporadically”.

The LKA had left the search for the NSU trio to the Criminal Investigation Unit and the secret service. Moreover, the “State Security Division, in violation of its duty, had not brought together the results and findings and made all the necessary evaluations.” In the search for the fugitives, the public prosecutor “had also exercised only rudimentary governance and was only involved in individual actions” (p. 1,585).

One of the most controversial elements of the report was almost completely buried in the already extremely sparse media coverage: The report places a question mark over the alleged suicides of Uwe Mundlos and Uwe Böhnhardt in their motor home in Eisenach on November 4, 2011.

The previous official version of events goes something like this: after a bank robbery in the morning, the two had holed up in a rented motor home, on the run from the police. After this was discovered by two police officers at about noon, Mundlos and Böhnhardt had fired shots, set the vehicle on fire from the inside, and then shot themselves. Contrary to their previous ruthlessness, and despite an extensive arsenal of weapons in the vehicle, both made no attempt to escape the situation.

As an essential proof for this version, it has always been stated that soot was found in the lungs of Mundlos during the autopsy, which he had inhaled after setting the motor home on fire; in Böhnhardt’s mouth, however, no soot was found, since he was already dead.

As the Thuringia committee of inquiry has established, this was based solely on the assertion of a police officer from the crime scene, who claims to have received this information by telephone from the pathologist—and it does not correspond with the facts, according to the investigation report. The committee received the autopsy report, which notes that neither Böhnhardt nor Mundlos had inhaled soot before they died.

That posed “the classic question of whether the fire had been started after the deaths of the two, by a third party, who would thus also come into consideration as a perpetrator for the killings”, the report declares (p. 1,574).

Having reviewed the scenario at the crime scene in detail, the report concludes that the involvement of a third party, who could have silently slipped away unnoticed by the police officers, can by no means be ruled out.

Who this unknown third party is, an individual who may have shot the two right-wing terrorists, and his relationship to them or to the secret service, is one of the countless questions about the NSU that are still completely unanswered.

The committee of inquiry in the Thuringia state parliament has clearly shown how deeply government agencies are involved in the development of far-right and right-wing terrorist organisations. Ten years ago, when the attempt to ban the neo-Nazi German National Party (NPD) failed, the judges declared that legal proceedings could not continue because the secret service had flooded the executive level of the NPD so massively with undercover agents that in the court’s view this was an “affair of state”.

In a similar way, the report of the Thuringia NSU Committee shows that secret service authorities, police and other parts of the security apparatus function as a state within a state, aloof from any democratic control and legal remedy.



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