

Edward Snowden denied entry by German Constitutional Court

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Germany's Federal Constitutional Court has ruled against a legal suit calling on the authorities to allow US National Security Agency (NSA) whistleblower Edward Snowden to testify before a parliamentary committee.

The Karlsruhe-based Federal Constitutional Court ruled that a suit filed by the Greens and Left Party was legally "inadmissible" claiming it was an administrative issue. It said the case should instead be decided before the Bundesgerichtshof (BHG) Federal Court of Justice.

The parliamentary committee was established in March to investigate the NSA's activities in Germany, including information revealed by Snowden of the agency spying on citizens and politicians, including Chancellor Angela Merkel, whose phone was tapped. One of the committee's responsibilities is to determine whether German intelligence aided these operations.

Snowden is currently living in de facto exile in Russia, where he was granted asylum after exposing the illegal mass surveillance programmes run by the NSA and numerous other government's intelligence agencies. Snowden's lawyer said he would only speak to the parliamentary committee if allowed to do so in Germany.

The court's decision is in line with the interests of the Christian Democratic Union (CDU), Christian Social Union (CSU) and Social Democratic Party (SPD) coalition. The government has no interest in a serious investigation, which would expose its own crimes (see: "The return of the state secret police in Germany").

Snowden revealed that the Germany Federal Intelligence Service (BND) has access to the NSA's databanks through its XKeyScore programme. His leaks exposed that not only did the BND have access to data on German citizens, but also suggested that it

collects such data itself.

Shortly after the parliamentary committee was established, Interior Minister Thomas de Maizière (CDU) said continued cooperation between the US, British and German intelligence agencies was essential. "It is in our national interests. And this cannot be put at risk, including by the investigative committee," he stated.

It is clear that the German ruling elite would not hesitate to collaborate in Snowden's extradition to the US. Stephan Mayer, interior spokesman for the CDU/CSU parliamentary faction, said, "If Snowden came to Germany, the German government, in my opinion, would have to grant the US extradition request, which is legally indisputable."

In April of this year, Patrick Sensburg, the CDU chair of the eight-member parliamentary committee, said that there was virtually no chance of Snowden testifying on German territory. He told the *Bild am Sonntag* newspaper that he viewed Snowden appearing in Germany "to be very problematic legally" (see: "German government seeks to prevent parliamentary committee from questioning Edward Snowden").

Instead, a hearing via videoconference or "in a secure third country" might be considered. It was not the job of the investigative committee to provide Snowden with asylum in Germany, he added.

A central factor in the Merkel government's machinations is the calculation that if Snowden were allowed to enter Germany, it would face mounting public pressure to grant him asylum. Commenting on the court's decision to refuse Snowden entry, the *Guardian* warned that if he were allowed to testify in Germany, "the clamour for him to be able to stay would be strong and *resistance from the government would be likely to be met with civil unrest*" (emphasis

added).

The extraordinarily tardy response of the German authorities to the hacking of Merkel's phone illustrates their attitude to the illegal spying conducted by the NSA and BND.

Citing documents provided by Snowden, last year *Der Spiegel* broke the story of the monitoring of the phone Merkel used for party political business. It reported that the tapping began in 2002 and lasted at least a decade. Washington did not deny the charges and merely stated that Merkel's phone would not be tapped in future (see: "Scandal grows over NSA wiretapping of German Chancellor Merkel").

In June, Germany's chief federal prosecutor opened an investigation into the matter. Six months later, the office of prosecutor Harald Range stated baldly, "As of today, there is no evidence leading to charges that connection data were recorded or a phone call by the chancellor was listened to."

The decision by the Federal Constitutional Court is part of the ongoing campaign by the imperialist powers to isolate and silence Snowden. Last month, Lord West, who previously held the post of chief of defence intelligence and between 2007 and 2010 was chairman of National Security Forum in the last British Labour government, denounced Snowden as a traitor. He demanded that further anti-democratic laws be legislated in Britain, claiming that people would die otherwise. "Since the revelations of the traitor Snowden, terrorist groups—in particular Isil (Islamic State)—have changed their methods of communications and shifted to other ways of talking to each other. Consequently there are people dying who actually would now be alive," West stated.

"It is now critical that we move forward the Communications Data Bill that was paused so unreasonably because there is a very real danger that unless we do this, I think it is not exaggerating to say that people will die in this country who would have been safe if that had been in place," he continued (see: "UK Conservatives pledge further attacks on democratic rights).

As is standard for those in ruling circles who disseminate such lies, West did not provide a shred of evidence to back up his assertions.

Raymond Kelly, a former New York City Police Department commissioner, recently said, "People that I

know, certainly in the US government, say that this is the worst leak that they are aware of. The damage is significant and ongoing and you can see it has also damaged relations between the US and other countries."

He added, "We see major corporations having difficulty doing business outside the US and, as a result, putting impenetrable encryption in their products which ultimately hurts the whole law enforcement effort."

On December 14, Snowden was awarded in absentia the Carl von Ossietzky journalism prize by the International League for Human Rights (ILHR) in Berlin. The prize is awarded to people or groups who exhibit extraordinary civil courage or engagement with the spread and defence of human rights. The statement released by the ILHR said Snowden was chosen because of his "momentous decision of conscience...to put [his] personal freedom on the line," in order to expose the "abuse of power" exercised by the US and Germany.

The Ossietzky prize, awarded since 1962, is named after Carl von Ossietzky, who was imprisoned under the SPD government in 1929 for publishing leaked military documents revealing the rearmament of the German air force. He was subsequently jailed by Hitler's fascist regime and eventually died in a Nazi concentration camp.

Filmmaker Laura Poitras, the first person Snowden contacted with his revelations, also received the prize, as did journalist Glenn Greenwald whom she worked closely with to make the documents public. Greenwald also received the prize in absentia, with Poitras accepting the prize on behalf of all three.



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