

New powers for secret services in Bavaria

Marianne Arens
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On Monday, August 1, a new Constitutional Protection Act came into force in the state of Bavaria. Protection of the constitution is the name given to Germany's post-war domestic intelligence services and the new Bavarian legislation is part of a massive upgrade of the country's security services. It is a role model for the construction of a comprehensive police state on a federal basis.

The law creates a super authority, which operates secretly but has far-reaching police powers. The separation of the police from the secret services, embodied in Germany's post-war constitution based on drawing lessons from the crimes of Hitler's Gestapo, has been effectively wiped out.

Bavaria is now the only German state that permits its intelligence services to access massive amounts of data formally reserved for police authorities. Telephone companies must store all of their data for two and a half months and then hand data over to the secret services on request. Such data details which person has spoken to whom, for how long and from what location.

The state secret services can now also conduct online searches of computers and install spyware on private computers—powers also formally restricted to the police. To this end the Bavarian parliament has approved a supplementary budget for 2016 to fund nearly 100 new secret service jobs.

The state secret services will have virtually unlimited powers. Existing rules for the protection of professional secrecy for journalists, lawyers and clergy have been undermined. Even small children now may be spied on, although they cannot be prosecuted under German law. "Radicalization is not a question of age," declared Bavarian Interior Minister Joachim Herrmann (Christian Social Union, CSU). In reality the state government is seeking to force children to spy on their parents, as was practiced by both the Nazis and the East German Stalinist police.

For the first time a legal framework for the selection and the use of undercover agents has been created. Undercover agents may now officially be used against groups with no record of violent activity.

In order to infiltrate such nonviolent groups the secret services can use the services of virtually anyone. According to the new law, even criminals convicted for serious offences, such as manslaughter, can be recruited as undercover agents. Only murderers are excluded.

While the powers of the secret services have been greatly expanded, parliamentary oversight of their activities has been cut back. The appropriate parliamentary control committee for telephone surveillance must now meet only once a year, instead of meeting every six months, as formerly.

The new law is part of the general trend towards a police state. At the start of June the federal cabinet agreed an enormous expansion of the powers of the police and intelligence services, allowing telephone calls to be intercepted without a court order. On July 28, Chancellor Angela Merkel then announced a nine-point plan for internal security involving new drastic powers for state forces. The latest Bavarian law now goes even further.

Justifying the state build-up, Interior Minister Herrmann stressed the dangers posed by "extremism and terrorism" at a press conference on Monday. According to Herrmann, the greatest threat were radical Islamists, both so-called "lone wolves" and "controlled and active terrorist cells," which were seeking "to destroy our freedom."

Herrmann referred to the "first Islamist suicide bombing" in Ansbach on July 24, and the attack carried out by a 17-year-old Afghan on July 18 on a commuter train near Würzburg. These attacks, both attributed to the Islamic State group, involved severe injuries but no mortalities.

Notably the Interior Minister made no mention of the

terror rampage conducted by an 18-year-old in Munich on July 22, in which nine people were killed. The attack was the pretext for an unprecedented police state exercise in Munich.

The reason is very simple: the attacker in Munich was a German-Iranian who sympathized with the far-right Alternative for Germany (AfD). The youth praised Adolf Hitler and most of his victims were foreign-looking youth. The content of his computer made clear that his role model was the Swedish fascist Anders Breivik, who carried out terror attacks in Oslo and Utoya.

The number of victims in Ansbach and Würzburg, when compared to the casualties in Munich, makes clear that far-right terror is the main threat in Germany.

According to the Amadeu Antonio Foundation, 178 homicides have been carried out by far-right extremists in Germany since 1990, although official figures put the number at 75. Bavaria has witnessed a rapid increase in far-right terror. In the first half of 2016 politically motivated crimes against refugee shelters in the state more than tripled compared to the same period in 2015.

Herrmann remains silent on the far-right terrorist attacks because the secret services maintain close links to such neo-fascist circles. This was particularly evident in the case of the far-right terrorist group, the National Socialist Underground (NSU), which murdered nine immigrant workers between 2000 and 2006.

In the course of the investigation into the murders it emerged that various intelligence agencies and police authorities had installed more than 20 undercover agents and employees into the circles in and around the NSU. Some of these agents played a leading role in building up neo-Nazi networks and were in direct contact with the three confirmed members of the terrorist group. There is evidence that employees of the secret service were even actively involved in the murders.

The Bavarian intelligence services also played a significant role. Five of the nine murders were carried out in the state. In the course of investigation it was revealed that the state secret services employed for a decade an agent who assisted in the creating the far right “Thule Power” and had close links to the groups from which the NSU emerged. According to the *Süddeutsche Zeitung* the agent received up to 150,000

German deutschmarks from the state to build the network.

This same authority has now been freed from further parliamentary scrutiny and is receiving expanded powers. It is clear that the issue is not about the protection of the population, but rather the build-up of an apparatus with close ties to the far-right terrorist scene which can be used against future social opposition.

Herrmann made this very clear in his press conference on Monday. In addition to the new law, he announced tougher measures against refugees. Random police checks will monitor asylum centres and in future the Bavarian police will increasingly conduct mass operations, i.e., indiscriminate mass controls of all transport users to detect so-called “illegals.”

“We need to stop refugees without papers at the German borders, clarify their identity and when necessary reject them,” Herrmann said. “Foreign offenders most quickly lose their right of residence and be deported even more quickly—even back to crisis regions.”

In reality, these attacks on the democratic rights of refugees are aimed at all workers. Growing militarism and continuous social cuts are incompatible with democracy. This is the logic behind the new laws in Bavaria, which represent a further step towards a police state in Germany.



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