

# Co-plaintiffs criticize German federal prosecutor and secret service in neo-Nazi NSU trial

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24 November 2017

Lawyers for the relatives and victims of the terrorist attacks carried out by the neo-Nazi National Socialist Underground (NSU) are conducting their final arguments in the court case against the remaining member of the NSU. The NSU is accused of killing nine immigrants and a policewoman, and of carrying out two bombings—in 2001 and 2004—and over two dozen bank robberies. The main accused is allegedly the sole surviving member of the NSU, Beate Zschäpe. Four other neo-Nazis are charged with aiding and abetting.

The plaintiff's initial closing arguments sharply criticized the Federal Prosecutor's Office, which, along with the court, insisted that the NSU consisted of only three perpetrators (two of whom are dead) and a few supporters.

In his closing argument, Federal Prosecutor Herbert Diemer aggressively rejected any criticism of this determination, dismissing it as the “buzzing of flies” in a thinly veiled insult to the victims of the neo-Nazi terrorist attack and their relatives. Immediately after the crime, the police focused their investigation on the families of the victims and repeatedly excluded any racist motive for the bombings.

In her closing argument, attorney Edith Lunnebach pointed to the close involvement of state agencies, particularly the secret service, with the NSU. Lunnebach represents Mashia M., the daughter in a family of Iranian origin that was the target of the 2001 bomb attack in Cologne's Probsteigasse.

Mashia's father, a shop owner, described how the attack was perpetrated. In the run-up to Christmas 2000, he said, a man had come into his shop whom he had never seen before. The small, very slender and

curly haired man, with a “narrow, bony face”, “walked around in my shop and put a bottle of Jack Daniels and a bag of potato crisps in his basket”, the witness testified.

When paying, the man said he had forgotten his wallet and needed to go and get some money. He left the cart behind and did not return. Two days later, the shopkeeper's wife put the basket in the back room. On January 19, 2001, the then 19-year-old young woman, Mashia, opened a Christmas cake tin she found in the basket, triggering a bomb hidden inside. She was seriously burned, fell into a coma for ten days, and has still not completely recovered from her injuries.

Authorities say the attack was carried out by two dead NSU terrorists, Uwe Mundlos and Uwe Böhnhardt. The NSU claimed responsibility and mocked the young woman by name in its notorious Paulchen Panther video.

Mashia M.'s family said it was “unacceptable”, their lawyer said, for prosecutors to maintain that the NSU was simply a three-person cell. From the Cologne crime scene alone, there were “overwhelming facts” pointing to other accomplices. The family lives in fear, the lawyer said, that other perpetrators are still “lurking in the background as a constant danger”.

It was “completely excluded” that someone unfamiliar with the locality would have come to the “Gerd Simon beverage store”, according to Lunnebach. Only a local could have known that the store with the German sign belonged to a family of Iranian origin. Zschäpe herself never reported that until then there had been a visit to Cologne by the trio. An unidentified accomplice from the ranks of the NSU, who knew his way around Cologne, must have selected the place of

attack and deposited the explosive.

The co-plaintiffs' lawyer made it clear she had believed that a long-time secret service undercover informant had perpetrated the crime.

This would likely be Johann H., who was an undercover informant for the state branch of the secret service in North Rhine-Westphalia between 1989 and 2015. According to *Spiegel Online*, the secret service used him "as a 'secret collaborator'", which means they had a particularly close degree of collaboration and that H. was more valuable than an average undercover informant.

In 2015, the informant spoke to *Spiegel Online* and claimed he had "nothing to do with the attack in the Probstegasse". He feigned ignorance about the NSU and its supporters. However, a dropout from the neo-Nazi scene reported that the NSU trio—Mundlos, Böhnhardt and Zschäpe—went to an event in Erftstadt near Cologne in 2009 where Johann H. and Axel Reitz were on the podium. H. denied this to *Spiegel* and claimed it was "sheer nonsense".

In any case, H. was "always there over the years, wherever the brown swamp is deepest", *Spiegel Online* wrote in 2015. H. has had a long career in militant Nazi groups, sometimes in a leading position. In 1985, he was sentenced to a juvenile sentence for violating the Explosives Act. Later, he participated in "military training exercises" and joined various neo-Nazi organisations that maintained links to the NSU and its periphery. For example, H. was a member of the Nationalist Front in the early 1990s, at the same time as the late undercover informant and NSU supporter Thomas Richter aka "Corelli". In 1998, Johann H. founded, with like-minded people, the "Kameradschaft Köln", which was banned in 2012 by the North Rhine-Westphalia Interior Ministry.

In the Nazi group "Kampfbund Deutscher Sozialisten" (KDS), he rose to the position of "Deputy Gau Secretary of the Rhineland". The indictment of the NSU Tribunal, "Dissolve the NSU Complex", further states that Johann H. acted in the KDS as the right-hand man of the Nazi Axel Reitz, publicly known as the "Hitler of Cologne". The KDS had connections to numerous cadres of the neo-Nazi scene in Germany and other groups such as the "Danish National Socialist Movement", which in turn had close ties to the Blood & Honour network in Scandinavia.

Most recently, the KDS office was run by Thomas Gerlach, a member of the organisation's leadership from Thuringia. Gerlach is also a member of the "Hammerskins". Because of his contacts with supporters of the NSU core trio, he has been forced to testify several times as a witness in the NSU trial.

According to its own statement, on 8 February 2012, the NRW state secret service received photofit facial images of the perpetrator of the Cologne bomb attack from the federal intelligence authorities. It found that Johann H. "bore similarities with the photofit images". Nevertheless, one day later, it stated there was "no evidence of [his] involvement". Two days later, the head of North Rhine-Westphalia state secret service passed this assessment on to the Attorney General, who forwarded it to the Federal Criminal Police Office the same day.

Attorney Lunnebach criticized the fact that the 2001 attack in Probstegasse was not termed a right-wing extremist crime and that five years later, the most important evidence, the remains of the Christmas cake tin, had been destroyed. She stated that the long-time undercover informant had never been investigated for the attack. This could only be because the secret service was protecting him.

Following Lunnebach, Mehmet Daimagüler, the lawyer for the families of the Nuremberg NSU victims Abdurrahim Özüdo?ru and ?smail Ya?ar, also strongly criticised the investigation. He spoke of a sixth "invisible accused: the state". After the first NSU murder in 2000, a genuine investigation could have prevented further crimes, the lawyer insisted.

He accused the Federal Prosecutor's Office of investigating the terrorist attacks "only as narrowly as possible". They were trying "with all their might" to impose their trio-thesis "as the sole truth". To date, not a single official has been punished for shredding the secret service files pertinent to the case. State authorities who did not comprehensively investigate the murders would only ensure that such terrorist attacks would be repeated in the future, Daimagüler warned.



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