

# German court releases far-right army officer

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The far-right German army officer Franco A. has been freed from custody. The Federal Court of Justice (BGH) withdrew his arrest warrant on Wednesday. The court in Karlsruhe ruled that, based on investigations, there was insufficient evidence that he was preparing a major act of sedition.

Franco A. has been in custody since April 26. The then 28-year-old was caught two months earlier by the Austrian police when he sought to retrieve a gun from Vienna Airport, where he had previously hidden it. It then emerged that A. had registered in Bavaria as a Syrian refugee and apparently planned terror attacks against politicians and left-wing activists using his false identity.

Two alleged accomplices, Bundeswehr soldiers Maximilian T. and Mathias F., were arrested shortly after Franco A. Franco A. and Maximilian T. were stationed in Illkirch, Alsace. T. is alleged to have drawn up the list of victims which was found in the possession of A.

The list included high-ranking politicians, such as the then German president Joachim Gauck, Justice Minister Heiko Maas and the Thuringian premier, Bodo Ramelow. Also on the list were leftist activists such as Philipp Ruch of the Center for Political Beauty and institutions such as the Central Council of Jews and the Central Council of Muslims. There were all regarded as potential targets for terrorist attacks.

Maximilian T. and Mathias F. were released from custody in July, after the BGH ruled there were no longer grounds to hold them. Now the last of the three terror suspects has been freed.

This is despite the fact that, according to the newspaper *Die Welt*, evidence pointing to concrete actions were found in A's notebook. There is a reference, for example, which indicates that A. planned an attack posing as a refugee: "Group Antifa: let an asylum seeker throw a grenade, film it." The notebook

also mentions the 88-year-old Holocaust denier Ursula Haverbeck: "If Mrs. Haverbeck goes to prison, then action to free her." Just two days ago a court in Detmold sentenced Haverbeck to 14 months in prison.

The justification given by the BGH for the release of the terror suspect is outrageous. The court reasons there is no immediate suspicion that Franco A. is preparing to assassinate a public figure, and it is therefore mere speculation that the confiscated lists of public figures indicated in any way preparation of such an act of terror.

In addition, the BGH reasons that it cannot be assumed with high probability that A. sought to commit an offence in order to subsequently direct suspicion against asylum seekers. The expectation of a reduced sentence and the personal circumstances of the accused were also named as grounds for his release. There was no danger that A. would attempt to flee justice, the court concluded.

*Spiegel Online* reports that it is still unclear whether the judiciary will ever bring charges against A.

The case once again throws light on the basis for judgements reached by German courts. In the case of alleged "left-wing violence", the judiciary responds very differently. At the end of August, the Hamburg district court imposed a prison sentence of two years and seven months on a 21-year-old participant in the G20 protests in Hamburg. The young Dutchman, who had no previous criminal record, allegedly threw two empty glass bottles at a policeman and resisted arrest.

Shortly before this judgement, the German Interior Minister Thomas de Maizière (Christian Democratic Union, CDU) banned the left-wing online platform linksunten.indymedia.org, claiming the site was directed against "constitutional order" and "contrary...to penal law". The portal has been used for years, he claimed.

Unlike Franco A., who not only sowed "hatred

against ... representatives of the country”, but evidently planned to attack them, police searches of those involved with the linksunten.indymedia.org platform uncovered no weapons—though this was initially alleged.

The release of Franco A. confirms the warnings of the *World Socialist Web Site* that neo-Nazi networks in the Bundeswehr, police and intelligence services are being shielded by the state.

It has been known since May that the neo-Nazi terror cell in the Bundeswehr involved far more than the three soldiers who have now been released.

The murders carried out by the National Socialist terror gang took place under the noses—and possibly with the direct assistance—of the German intelligence services. Files that could prove this were shredded immediately after the NSU trio were uncovered. Several witnesses connected in one way or another to the gang have died under mysterious circumstances. In the NSU trial currently taking place in Munich the federal prosecutor’s office and the court have systematically blocked any investigation of the activities of intelligence service undercover agents.

In the case of officer A., his superiors in the Bundeswehr, who knew for some time of his right-wing extremist views, have covered up for/or even encouraged him.

After Defense Minister Ursula von der Leyen (CDU), in an attempt at damage control, criticised some of the far-right excesses committed by Bundeswehr soldiers, she was subjected to a torrent of abuse from right-wingers. The media, right-wing politicians and generals defended the Bundeswehr along with its predecessor, Hitler’s Wehrmacht. The minister then surrendered to her generals and formally apologised. The right-wing press was triumphant. The *Frankfurter Allgemeine Zeitung* ran the headline: “Von der Leyen begs pardons from the generals.”

The release of Lieutenant Franco A., despite the overwhelming evidence against him, raises many disturbing questions. Do leading figures and institutions constitute a “state within the state”? In any event, the BGH decision plays into the hands of the military and the right wing. They are striving to once again transform the Bundeswehr into a powerful army able to advance the interests of German imperialism worldwide. To this end, the poisonous ideology of the

far right is also being rehabilitated and promoted.



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