Germany: Investigation into October Festival bombing to be concluded

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4 June 2019

Investigations into the October Beer Festival (Oktoberfest) bombing of 1980, which were resumed in 2014, are being concluded, according to report in the *Süddeutsche Zeitung* in mid-May. The latest investigations have allegedly yielded no new information.

The special commission "Soko 26. September," inaugurated by the Bavarian criminal office, and named after the day of the notorious attack, has already been dissolved. According to the German Press Agency (dpa), the investigation report is in the hands of the federal prosecutor in Karlsruhe.

The *Süddeutsche Zeitung* quotes an investigator with the words: "There is no final clarification." The federal prosecutor's office did not comment specifically on the newspaper reports. A spokesman for the authority said merely: "The investigation is ongoing."

The investigation was centred on the most serious far right terrorist attack in the history of the German Republic. The bomb placed by Gundolf Köhler on the evening of September 26, 1980 in Munich killed twelve attendees of the Oktoberfest celebration as well as himself. Another 211 people were seriously injured.

After the attack, the investigating authorities sought to bury the links between the bomber and neo-Nazi and far-right terrorist networks. Testimony to the effect that Köhler was not alone on the evening of the attack was ignored. Instead the theory of a single perpetrator was quickly drawn up. Köhler is said to have built and set off the bomb due to a broken relationship, and his frustration over a failed exam, i.e., the desperate suicide of a suffering student. Two years after the assassination, on November 23, 1982, the Attorney General closed the initial investigation.

The journalist Ulrich Chaussy and the victims' lawyer Werner Dietrich were not prepared to accept this version of events and spent decades conducting their own research. It is thanks to their work that the federal prosecutor's office was forced to resume the proceedings at the end of 2014.

But from the start, the aim of Harald Range, then attorney general at the federal court in Karlsruhe, and the investigating authorities was not to uncover the real background of the Oktoberfest bombing.

The real aim of the renewed investigation was revealed by the then-federal justice and current foreign Minister, Heiko Maas (SPD). In a letter to the Green Party faction in the Bavarian state parliament in 2013 Maas said that, after the discrediting of state forces following murders carried out by the National Socialist Underground (NSU) terror gang, "any loss of confidence in the work of state investigative authorities must be counteracted."

Between 2000 and 2007, the NSU murdered nine migrants and a policewoman under the eyes of the secret services and police authorities. The NSU also carried out three bomb attacks and robbed 15 banks. The three main members of the NSU, Uwe Mundlos, Uwe Böhnhardt and Beate Zschäpe, could not have operated without accomplices, but their identity remains unclear up until today due to the wall of silence, cover-ups and the destruction of evidence by the state authorities.

Parallels to the Oktoberfest are obvious. According to the *Süddeutsche Zeitung*, the investigators of "Soko 26 September" questioned 1,008 witnesses, investigated 766 new clues, searched homes in Germany and Switzerland, and examined 200,000 pages of secret service documents and 220,000 pages from the former state security service (Stasi) of the GDR (East Germany). But instead of revealing anything new about possible supporters and/or accomplices of the assassin Köhler, the investigators undermined any evidence that could be of relevance.

The witness whose testimony was the main reason for the renewed investigation in 2014 is claimed to have been mistaken. She testified that she discovered a letter of confession the day after the attack in Munich. "The data from the woman, however, could not be substantiated, dates had been confused," the *Süddeutsche Zeitung* wrote.

There was also renewed investigation into the background of the right-wing extremist forester Heinz Lembke, who was suspected of having delivered the explosives. "An accomplice of Lembke, who was not previously known, was

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found – but with no connection to Köhler."

Whether Lembke worked for the domestic secret service or other government agencies was apparently not part of the investigation. Attorney Dietrich had discovered a note in some files, "Information about Lembke is only of partial use in the courts." Such remarks usually refer to undercover agents or intelligence agency personnel. Lembke was found hanged in his cell in 1981 after announcing he would make a full testimony.

At the end of the investigation, officials requested the profiler Alexander Horn to assess Köhler. Horn, the head of a special unit of Munich police had correctly assessed the nature of the NSU. He had referred to the NSU as a group of far-right racists at a time when the police as a whole maintained that the murderers were foreign criminals. Horn's assessment was ignored at the time.

Now Horn came to the same conclusion regarding Köhler as his colleagues almost 40 years ago: Köhler was a young man with personal problems, rather than a politically motivated terrorist. This time round his conclusions have been accepted because they correspond with the official version. Although Horn's conclusions do not refer to possible supporters, they are being used by investigators team to underpin the single perpetrator thesis.

The outcome of the investigation was foreseeable. Three years ago, Ulrich Chaussy said in an interview with the WSWS that the new investigation team was unwilling to "undertake the necessary critical review of their former colleagues' investigations."

In 1980 and later, vital evidence disappeared. According to Chaussy "it is imperative to investigate who did what on the part of the investigating authorities on the night of the bombing, and on whose instructions." Otherwise, one could not clarify "what was going on with the investigation back then."

Among other things, Chaussy made public that the ashtray in Köhler's car contained 48 cigarette butts of six different varieties—with and without filters. Investigators were able to find the traces of three different blood groups. At the time of the bombing DNA could not be evaluated.

This was a clear indication that Köhler—as many witnesses had confirmed—had not travelled alone to Munich for the Oktoberfest. At a later stage the DNA on the cigarette butts could have been used to detect Köhler's passengers but, when in 2010 solicitors for victims demanded new DNA analyses, the federal criminal police office (BKA) announced that all evidence had been destroyed in 1997.

There has been no attempt to discover who ordered this destruction, and why, as well as other "investigatory mishaps" that have prevented any real, new information about the bombing and effectively cloaked the activities of far-right extremists. An investigation into their former colleagues was not part of the remit of "Soko September 26."

The fears expressed by Chaussy three years ago have been fully realised. "I expected the proceedings would be stopped at a point where they did not encroach on the NSU verdict," Chaussy said. The "Soko 26 September" team did not want to have to investigate all the "mishaps" involved in the NSU case.

In an initial statement, Werner Dietrich, a lawyer for one of the victims, said that an analysis of the investigation could last several months. He was "in the middle of inspecting the files" and could therefore say nothing about the results of the investigation. In particular, he had not had access to classified information and intelligence files to which only the federal prosecutor's office in Karlsruhe has access.

"Of course, I can only say whether the documents brought are complete, or whether material has been suppressed or shredded, when I have seen them," Dietrich explained. The domestic intelligence agency had refused to submit files for years. It took a decision by the federal Constitutional Court to force their publication. But usually these files are then "doctored."

Dietrich sharply criticised the fact that results had been leaked before the official completion of the new investigation. He was "alienated and outraged" that information had been issued in advance.

In his updated book, *Oktoberfest—The Assassination: How the Repression of Right Wing Terror Begins*, Ulrich Chaussy describes how the authorities were unwilling to investigate right-wing extremists after the bombing and went so far as to sabotage a proper investigation. The involvement by the secret services in far-right terrorist networks remains under wraps. This is especially true for the "Wehrsportgruppe Hoffmann," with which the Oktoberfest assassin Köhler had close links.

The latest investigation, which is being closed down, has followed this pattern. Chaussy remains determined: "These investigations have been concluded, but can be reopened when new facts come to light."

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