

Verdict published in NSU trial: German court protects neo-Nazi André Eminger

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On April 21, the Munich higher regional court published the reasoning for its verdict in the case of the neo-fascist National Socialist Underground (NSU)—almost two years after the verdict was pronounced and seven years after the start of the trial. Eight-and-a-half years have passed since the arrest of the main defendant in the trial, Beate Zschäpe. Zschäpe was sentenced to life in prison after being declared guilty of being an accomplice in 10 murders and several bombings carried out by the NSU. She was also found guilty of membership in a terrorist organisation and involvement in serious arson attacks.

The date of publication of the written judgement is significant. If the court had published its text two days later, it would have been necessary to repeat the entire trial due to the expiry of the applicable legal deadline. This is now the first opportunity since the announcement of the verdict for the public prosecutor's office and defence attorneys, which appealed against the judgment, to justify a retrial. The revision process will also take several years.

The primary function of the trial in Munich was to systematically cover up the role played by the state in the NSU murders. Despite the fact that dozens of secret service and police undercover agents operated in the immediate vicinity of the three main NSU criminals, the federal prosecutor and the presiding judge in Munich, Manfred Götzl, deliberately ignored the role of state officials in the five-year-long trial.

This was also reflected in the court's verdict. Beate Zschäpe, the only survivor of the NSU gang, was given a life sentence. But four co-accused with close links to the NSU and the attendant network of undercover agents were let off lightly.

The especially mild judgment for André Eminger triggered widespread astonishment. Together with his wife, Eminger was the closest confidante of the three

main NSU perpetrators for 13 years. The NSU trio were able to live underground for over a decade due to his help. Instead of a 12-year prison sentence for his role in assisting attempted murder, as the prosecutor requested, Eminger was sentenced to just two-and-a-half years in prison for supporting a terrorist organisation.

Eminger had the words “Die Jew Die” tattooed on his stomach and admitted to his neo-Nazi views during the trial in Munich. He entered the courtroom on the day of his verdict to the cheers of his neo-Nazi friends present and left as a free man due to the time he had already spent in custody. In its judgment the court has now published the extraordinary line of argument to justify its mild treatment of a fanatical neo-Nazi.

The court's judgment totals 3,025 pages in six separate files. An additional 44 files contain motions, court orders and minutes. The court meticulously describes the NSU's murders, robberies and bombings. It lists “thousands of pieces of evidence and more than 600 testimonies,” according to *Süddeutsche Zeitung* journalist Annette Ramelsberger.

The role of André Eminger is also described in detail. He rented an apartment under his name for his three neo-Nazi friends. He made purchases for them, bought them train tickets and gave them his health insurance card if they needed a doctor. He also rented a motorhome for them on three occasions. They then used the motorhome to drive to the site of two of their robberies and the bombing they carried out in Cologne. Eminger had contacts with the neo-Nazi milieu in Cologne.

In January 2007, Eminger even claimed Zschäpe was his wife when she had to testify to police following a complaint about water damage. It was only thanks to Eminger that Zschäpe, Uwe Mundlos and Uwe Böhnhardt were able to continue their criminal activities while in hiding. Policewoman Michèle Kiesewetter, who was allegedly killed by the NSU in a shot to the head on April

25, 2007, was at this time still alive.

After the deaths of Mundlos and Böhnhardt on November 4, 2011 (both are alleged to have committed suicide), Zschäpe called her friend Eminger after she set their apartment on fire. Eminger helped her escape by driving her to a local train station and handing Zschäpe clothes belonging to his wife.

Despite the weight of this evidence, the court concluded that Eminger was unaware of the series of murders, explosives and robberies carried out by his neo-Nazi friends. Eminger claimed merely that he had not known the trio well to begin with. The court claimed that he only knew that explosives had been found and that the trio had gone into hiding in 1998.

“However, these circumstances do not constitute evidence,” the court declared, “that they earned their livings after going underground through armed robberies of financial institutions.” That is to say, there was no evidence that their conspiratorial life in hiding was closely linked to the robberies the trio carried out.

According to the court’s line of argument, Eminger could not have anticipated that his three friends would use the motorhomes he rented to carry out robberies and a bombing. The renting of the mobile homes was “normal business” on Eminger’s part for his friends.

The court also concluded that the racist ideology shared by the NSU trio provided no grounds for Eminger to question his friends’ activities. “Based upon such a loose personal relationship the accused E. could not, however, have had any deep insight into the living circumstances of the three people in hiding, despite their common ideological beliefs,” the court wrote.

The neo-Nazi Eminger, with his blatant anti-Semitic chest tattoo and computer containing a manual for racial war, “was only aware of the verbally expressed xenophobia of the three people,” the court declared. “There was no reason to conclude that the trio had any intention of putting their statements into action to kill people based on their xenophobic racist motives and this conclusion was therefore not drawn by the accused E.”

The judges concluded, “From a close perspective, the accused E. assumed that the three earned their living from sources that were fundamentally permitted and not from any serious forms of criminal activity.”

One wonders what sort of close perspective the court has in mind. Does such a “close perspective,” of three fanatical neo-Nazis living in hiding for 13 years with substantial funds at their disposal, justify the conclusion they earned their living from “fundamentally permitted

sources”?

The reason for such a distorted argument lies elsewhere. If the court admitted that Eminger knew about the murderous and criminal activities of Mundlos, Böhnhardt and Zschäpe, the question would immediately arise: Who else was in the know?

In reality, in addition to Eminger, a broad layer of the neo-Nazi milieu were aware of the activities of the NSU. The neo-Nazi fan magazine *Der Weisse Wolf* (The White Wolf) had thanked the NSU back in 2002 after receiving a donation from the trio following one of their robberies: “Many thanks to the NSU, it has borne fruit;—The struggle continues ...” And in 2010 the neo-Nazi rock band “Gigi & Die Braunen Stadtmusikanten” sang the praises of the NSU’s series of murders on their album “Adolf Hitler Lives!”—i.e., before the activities of the NSU became public knowledge. As for the security services, they had planted undercover agents throughout the neo-Nazi milieu and were well aware of what was going on.

The absurdly mild verdict for Eminger sends a message to the entire milieu of the far right that they can expect that their murderous activities will not meet with serious legal consequences. At the same time, the court avoided convicting Eminger as one of the NSU perpetrators, thereby maintaining the myth that just three individuals were involved in the series of racist murders and other crimes.

From the outset, the intention of the NSU trial in Munich was to provide a coverup, aimed above all at shielding the involvement of Germany’s domestic intelligence service (Office for the Protection of the Constitution) and other state security authorities. To this end the court upheld the thesis that the NSU consisted only of the three perpetrators—Mundlos, Böhnhardt and Zschäpe. Implicating Eminger and other accused would have endangered this cover-up operation.



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