

# German court frees right-wing extremist accused of complicity in assassination of Walter Lübcke

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The neo-Nazi Markus Hartmann, who was accused in the trial for the murder of German regional politician Walter Lübcke, was freed from custody last Thursday.

The Frankfurt Regional High Court found that Hartmann was “no longer suspected of being punishable as an accessory to the crime.” Although he must continue to take part in the proceedings, he will only be held accountable for offences related to the possession of weapons. The expected punishment for such offences is so low that it would no longer be proportionate to keep him in custody after one year and three months, the court ruled.

Hartmann was arrested on 26 June 2019, a day after Stefan Ernst, the main accused, admitted to having shot Lübcke at close range on the terrace of his home in Kassel on 1 June. In the process, he also implicated his friend Hartmann. He was accused of having known about Ernst’s plans to carry out the assassination, of having incited and encouraged him to go through with the crime, and of having put Ernst in contact with an arms dealer.

Ernst later retracted his confession and provided new testimony at the beginning of this year in which he accused Hartmann of firing the fatal shot. According to Ernst, he and Hartmann followed Lübcke home together to intimidate him. In the process, a shot was accidentally fired from Hartmann’s gun. In a third confession during the trial, Ernst again admitted having fired a shot at Lübcke. However, he continued to insist that Hartmann was present on the night of the murder.

Hartmann’s former partner, with whom he had a child, also levelled serious accusations against him. He was a dangerous right-wing extremist, encouraged Ernst’s radicalisation, and persuaded him to take up shooting practice, she told the police. Already six months prior to Lübcke’s murder, she testified in a dispute over guardianship of their child that Hartmann was a right-wing extremist, possessed illegal weapons and produced his own ammunition. In the Lübcke trial, which has been attended by lawyers and observers from the right-wing extremist milieu, she relativised her statements.

The Frankfurt Regional High Court used these contradictory confessions and statements to justify freeing Hartmann. The

suspicion that he was guilty of being an accessory to a murder was based on the information provided by Ernst and Hartmann’s former partner during the investigation, the court said in justifying its decision. But the evidence collected in the course of the proceedings had failed to confirm this. A precondition for the crime of accessory to murder was the subjective belief on Hartmann’s part that Lübcke’s murder by Ernst was at least a possible outcome. But this was no longer to a considerable degree likely.

Ernst’s statement that Hartmann accompanied him to the scene of the crime was brushed aside by the court. It justified this by saying that Ernst had provided three different versions of how the crime took place, each of which was totally different.

In contrast to the court, both the federal state prosecutor and joint plaintiffs believe that Hartmann was complicit in the crime. Lübcke’s family expressed their outrage and stated that Hartmann’s release was “hard to take.” They are “firmly convinced that the crime was planned and carried out cooperatively by both of the accused.”

Irrespective of the testimony from Ernst and Hartmann’s former partner, a vast body of facts and circumstantial evidence points to the correctness of this conclusion. They show that a right-wing extremist network, in which Hartmann played an important role, was behind Lübcke’s murder. By releasing Hartmann, the court is making clear that it has no intention of interfering with this right-wing conspiracy. In so doing, it is following a well known pattern.

Following the Octoberfest attack in 1980, which was the deadliest right-wing extremist terrorist attack in post-war Germany, investigators immediately concentrated on the theory of a lone wolf and excluded the possibility of a political motive. Although considerable evidence of co-conspirators existed, including the infatuation of Gundolf Köhler, the attacker, with Hitler, and his involvement in the far-right Wehrsportgruppe Hoffmann, they claimed that he carried out the attack alone due to lovesickness. Due to the fact that Köhler died in the attack, no trial was ever held.

The trial of the National Socialist Underground (NSU)

terrorist group in Munich followed a similar pattern. It focused entirely on the personal guilt of Beate Zschäpe, the only survivor of the trio, which carried out 10 racially-motivated murders and several attacks. The right-wing extremist network that supported the NSU was systematically excluded from the trial, even though the lawyers of the victims persistently requested that this be examined. Even the long-standing NSU supporter André Eminger, who sat on the accused bench, left the court to shouts of delight from his neo-Nazi friends as a free man.

The reason for the tolerance of right-wing extremist networks by the courts and investigating authorities is the fact that they have close ties to the state apparatus. In the surroundings of the NSU alone, some two dozen informants for the state intelligence services were active. The Thuringia Home Guard, in which the NSU trio were radicalised, was established and financed by Tino Brandt, an informant for the state intelligence agency in Thuringia.

Ernst and Hartmann were active in the same neo-Nazi networks as the NSU for decades. Hartmann is even accused of having worked or still working as an informant for the intelligence agencies. This could also be a reason for his release. Evidence shows that an employee of the Hesse state intelligence service met with him twice in 1998 to recruit him. Public broadcaster NDR reported this earlier in the year based on documents it had viewed. Hartmann allegedly rejected this offer at the time. But this does not exclude the possibility that further attempts to recruit him were made later on.

Suspicious were also raised by the vague answer provided by the federal state prosecutor (GBA) at a hearing of the parliamentary committee for internal affairs last January, when she was asked if Hartmann was an informant for any intelligence agency. She knew the answer but was not authorised to talk about it, said the representative of the GBA, Cornelia Zacharias. By contrast, the GBA explicitly answered no when asked if Ernst had been a spy, according to the anti-fascist research website Exif.

Hartmann was an active right-wing extremist since 1990, including in organisations that were later banned. He and Ernst were active in the neo-Nazi milieu in Kassel, which also had close ties to the NSU. When the NSU claimed its ninth victim in 2006 with the shooting of Halit Yozgat in an internet cafe in Kassel, Hartmann drew the attention of the investigators. He raised suspicions due to his interest for a website where the BKA requested information about the murder. He told the police that he knew Yozgat well and was questioned no further, even though he was a well-known neo-Nazi.

The intelligence agency employee Andreas Temme was responsible for managing the informants in the neo-Nazi milieu in Kassel at the time. Temme was present at the internet cafe when Yozgat was killed—allegedly by sheer coincidence and without having noticed anything untoward. Stefan Ernst was friends with one of Temme's assets, Benjamin Gärtner (code-

named "vegetable"). There is no evidence to confirm that Ernst or Hartmann worked for Temme. Files that could prove this have been placed under lock and key by the Hesse state government for 40 years.

Temme left the intelligence agency after his dubious role in the Yozgat murder became known. He continues to work in the Kassel district government, the authority which Lübcke led.

Ernst and Hartmann knew each other, were close friends, and often appeared together at neo-Nazi marches. On 1 May 2009, they participated in an attack on a trade union-organised demonstration in Dortmund. Both were arrested, but while Ernst was given a suspended sentence, Hartmann was released without charge.

In October 2015, Ernst and Hartmann attended an event in Lohfelden where Lübcke defended accepting refugees into the country. Hartmann took video footage and published a short extract on Youtube. It served as the basis for a right-wing extremist campaign of agitation that culminated in Lübcke's assassination. The claim that Hartmann knew nothing about Ernst's hatred for Lübcke and his murder plans is simply unsustainable.

It was also Hartmann who enabled Ernst to practice with firearms. Even though Hartmann's right-wing extremist views were known, the city of Kassel issued him in 2011 with a "non-suspect certificate," which allowed him to handle explosives and possess weapons. He then took Ernst, who did not have the same approval, to practice sessions at his shooting club.

When investigators searched Hartmann's garage after his arrest, they found large quantities of Nazi memorabilia, including busts of Hitler and Göring, and a metal swastika. Around 250 messages exchanged between Hartmann and Ernst in the three months prior to Lübcke's murder, had been deleted and could allegedly not be recovered.

Despite all of this, the court in Frankfurt is setting Hartmann free. His release is a signal to far-right terrorist networks that they can continue their murderous activities. This fits in with a series of similar cases. Franco A., Maximilian T., Marco G. (Nordkreuz—Northern Cross), Andre S. (Hannibal), and others who hoarded weapons, kept death lists and prepared for "Day X" are all free men. Present conditions increasingly recall those during the Weimar Republic, when right-wing militias and terrorist organisations, like the Consul Organisation, could murder with impunity and were protected by the courts, while left-wingers were pursued ruthlessly.



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