

German Federal Court of Justice confirms lenient sentence for NSU accomplice André Eminger

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Germany's Federal Court of Justice (BGH) confirmed an absurdly lenient sentence for the accomplice of the far-right terrorist group National Socialist Underground (NSU), André Eminger, on December 15. It rejected both the appeal by the Federal Prosecutor's Office, which called for a much harsher verdict, and the appeal by Eminger himself, who was sentenced to two-and-a-half years in prison in the Munich NSU trial for supporting a terrorist organization.

With this ruling, the legal proceedings concerning the crimes of the NSU, which committed ten murders, three attacks and 15 robberies between 2000 and 2007, has reached a conclusion. With the exception of Beate Zschäpe, who was sentenced to life imprisonment, all NSU accomplices are at large and some of them, like Eminger himself, are still active in neo-Nazi circles.

The now 42-year-old André Eminger and his wife Susann were for fourteen years the closest confidantes of Zschäpe, Uwe Mundlos and Uwe Böhnhardt, who made up the core of the NSU. He rented an apartment for them under his name, went shopping, got train cards and gave them his health insurance card when they needed a doctor. He rented a mobile home three times for her, with which she drove to two robberies and used in the bomb attack in Cologne's Probsteigasse. There is also a suspicion that he procured weapons for them.

Eminger is a staunch neo-Nazi and openly displayed this during the Munich trial. He has the slogan "Die Jew die" and an SS symbol tattooed on his stomach. The police found a handbook on race warfare on his computer. His own lawyer has described him as a "National Socialist to the marrow of his bones." His right-wing extremist and fascist sentiments, which the

NSU put into practice with its bloody deeds, is beyond doubt.

When water damage occurred in the NSU members' apartment in 2007, Eminger gave Zschäpe his wife Susann's ID and confirmed her identity during the police questionnaire in order to protect her from being discovered. At this point in time, the NSU trio had already murdered nine people. In the same year, the police officer Michèle Kiesewetter was murdered. The Munich Regional High Court also blamed this murder on the NSU, although there remain considerable doubts about it. When the NSU was discovered on November 4, 2011, André Eminger helped Zschäpe to escape by driving her to the Zwickau train station and giving her clothes to his wife.

Despite his active support for the NSU, Eminger only spent a few months in custody. After the elite GSG 9 police unit arrested him in November 2011, he was released in June 2012. He then remained active in the right-wing extremist milieu. It was not until September 2017 that he had to return to pre-trial detention due to his being deemed a flight risk, after the federal prosecutor had demanded a twelve-year prison sentence for him.

During the NSU trial, Eminger beat up an 18-year-old, who he had allegedly requested to meet him for a talk in a parking garage in Zwickau, with punches to the head and kicks in the ribs. He threatened him with death if he should touch his son—with whom he had previously had a dispute—again. The local district court therefore sentenced him to a fine, but the conviction remains suspended, as both the public prosecutor and Eminger appealed. As a result, Eminger did not have a criminal record when the Munich Regional High Court

issued the NSU judgment in 2018, which would have been to his disadvantage.

The fact that the Munich Regional High Court only sentenced him to two-and-a-half years in prison for supporting a terrorist organization caused astonishment and anger. The federal prosecutor had asked for a twelve-year sentence for aiding and abetting murder and robbery. Since the sentence had already been served by pre-trial detention at the time of the ruling, Eminger was released from custody in the courtroom to the applause of numerous neo-Nazis.

The trial in Munich was mainly characterized by the systematic cover-up of the role of the state in the NSU murders. Although several dozen informants and officials from the domestic intelligence agencies and the police authorities were associated with the three main perpetrators, the federal prosecutor and the presiding judge Manfred Götzel deliberately ignored the role of state informants in the five-year trial.

This was also reflected in the judgment. Zschäpe, the only survivor of the three main perpetrators, received a life sentence. The four co-defendants, who are closely connected to the group of accomplices, which is riddled with informants, got away with a slap on the wrist.

The court justified its mild verdict for Eminger with the fact that he did not know what criminal acts the trio he supported committed. Although Zschäpe, Mundlos and Bönnhardt lived in secrecy but still had access to considerable funds, the judges somehow managed to conclude in their written reasons for their judgement “that [Eminger] assumed, on the basis of a real-life examination, that the three would earn their living from sources that were permitted in principle and not from highly criminal sources.” One wonders what real life the court is talking about.

In reality, not only Eminger, but a large part of the neo-Nazi milieu knew about the activities of the NSU. The neo-Nazi fanzine “The White Wolf” thanked the NSU in 2002 for a donation from one of their robberies, “Many thanks to the NSU, it has borne fruit ;-) The fight continues ...”

And the neo-Nazi band Gigi & Die Braunen Stadtmusikanten celebrated the series of NSU murders in 2010—before they became publicly known—on their album Adolf Hitler Lives! Since the neo-Nazi milieu, riddled with informants, knew about it, the security agents must also have known about it.

With the confirmation of the Munich Regional High Court’s ruling after more than 20 months of appeal, the Federal Court of Justice under the presiding judge Jürgen Schäfer has continued the cover-up of this right-wing conspiracy. A comparison with judgments against left-wing demonstrators shows that political reasons were decisive.

While Eminger was sentenced to two-and-a-half years in prison for years of active support of a right-wing gang of murderers and was allowed to leave the courtroom as a free man, the French law student and environmental activist Loïc Schneider was sentenced to three years’ imprisonment without parole because he threw two beer bottles and two stones at the police during a protest against the G20 summit in 2017.

Schneider was just one of many young people who were mercilessly pursued because they had exercised their right to demonstrate against a gathering of imperialist gangsters, including then-President Donald Trump. The man responsible for the brutal police operation against the demonstrators and their subsequent persecution was the then Mayor of the Hanseatic city of Hamburg and today’s German Chancellor Olaf Scholz (Social Democrats).



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