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Germany: How the secret service and far-right AfD organised the ban on the “linksunten.indymedia” website

Two years after the ban on the website linksunten.indymedia, the public prosecutor’s office in Karlsruhe has closed all criminal proceedings against the website operators because it cannot prove they committed any offence. Among other things, the site was investigated for “forming a criminal organization,” privacy violations, libel, and other crimes.

The verdict on the legality of the prohibition of linksunten.indymedia, against which several people have filed suit in the Federal Administrative Court in Leipzig, is still pending. The hearing will probably take place next year. Nonetheless, the cessation of the related criminal proceedings confirms that the ban on the website was an act of political censorship in which the Interior Ministry, the secret service and the far-right Alternative for Germany (AfD) closely collaborated.

Then-federal Interior Minister Thomas de Maizière (Christian Democratic Union—CDU) banned linksunten.indymedia on 14 August 2017, five weeks after the protests against the G20 summit in Hamburg. De Maizière and the then-mayor of Hamburg and today’s vice-chancellor, Olaf Scholz (Social Democratic Party—SPD), used the protests against the G20 to launch a public campaign against “left-wing extremism” in order to undermine fundamental democratic rights and build up a police state.

A huge police mobilization brutally attacked the mainly peaceful demonstrators, police provocateurs instigated incidents and thousands of demonstrators were persecuted across Europe, some of whom were hit with long prison sentences.

De Maizière justified the ban on linksunten.indymedia by claiming it was “the most influential website for violent left-wing extremists in Germany.” In fact, he banned a site that focused on the fight against right-wing extremism, anti-refugee agitation and war. It played an important role in exposing the AfD and neo-Nazis and provided many journalists with a database of anti-fascist information.

The site was used by various left-wing activists as a forum for information and discussion. If the judiciary deemed certain posts to be offensive, it could have intervened based on the penal code and asked the operators to take them down.

But the interior minister employed a legal trick to circumvent the Telemedia Act and the constitutionally protected freedom of the press and ban the website. He simply declared it to be an “association” and banned it based on the law covering associations.

This law is a relic from the imperial era and makes a mockery of democratic rights and the separation of powers. It gives the interior ministers of the federal and state governments the power to ban an “association” and confiscate its assets without legal proceedings or even allowing those affected to be heard.

Many organizations protested against the ban on linksunten.indymedia at the time. Reporters Without Borders described it as a “questionable signal” and an “excuse for all repressive regimes around the world to do the same as the German authorities.” The Socialist Equality Party **warned**, “The ban is a fundamental attack on freedom of speech and sets a precedent for the suppression of all social and political opposition.”

Ten days after the website was banned, a large police force raided the private homes of five individuals and an autonomous cultural centre in Freiburg, seizing numerous technical devices, storage media and books, private notes, flyers and other items. The persons concerned were accused of being the operators of the website.

The raid was accompanied by a witch hunt in the media. At a press conference, the federal interior minister even claimed that weapons had been found among the property of the accused. Later, the interior ministry had to admit that these were only “dangerous objects” found in the cultural centre that was searched, a multi-storey building with numerous rooms. Any link to the accused was never proven.

Meanwhile, it has become clear that the action against linksunten.indymedia and its alleged operators was, from the beginning, closely coordinated with the AfD and the secret service.

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It became known that in the course of the proceedings, members of the AfD had lodged several criminal charges with the prosecutor against the alleged operators of the website. Among other things, the site had published internal AfD documents and leaked its chat discussions and undertaken research into violent neo-Nazis online.

The identification of the accused came almost exclusively from the domestic intelligence service—from “official witnesses of the secret service and reports of an intelligence mole,” as Angela Furmaniak, the lawyer for two of those affected, wrote in a guest contribution for Netzpolitik.org. “The ‘evidence’ of the BMI [Interior Ministry] regarding the selection of data subjects is essentially limited to mere unproven and above all unverifiable assertions,” Furmaniak noted.

The role of the secret service was not limited to providing the police with secret information, which in itself would be a violation of the separation of the powers between the police and intelligence services. It also participated in the evaluation of the items confiscated during the house searches. The state criminal investigation office sent hard drives and other IT evidence it could not decrypt to the secret service.

Among them was a hard drive on which data from about 25,000 Freiburg students was stored as backup copies. One of the alleged operators of linksunten.indymedia was the system administrator of the University of Freiburg student union. The student union has tried to have the decryption and analysis of this data legally prohibited, so far in vain. However, it is said that the secret service has not yet cracked the encrypted data.

The legal separation of powers between the police and the intelligence service was anchored in the post-war German constitution with the aim of preventing a state police from emerging on the model of Hitler’s notorious Gestapo. In the actions against linksunten.indymedia this separation has been largely abrogated.

“According to the findings to date, the ban on ‘linksunten’ is based exclusively on information from the secret services and their assessments,” wrote Furmaniak. “If the BfV [secret service] is now being passed evidence to evaluate, it is reasonable to suppose that the real power responsible for the ban is not the federal interior ministry, but the Federal Office for the Protection of the Constitution [as Germany’s secret service is called].”

This shows a clear pattern. The secret service pursues left-wingers and socialists, while working closely with the AfD and militant neo-Nazis, whose organisations it has flooded with confidential informants, through whom it has funded these far-right groups. It is well known that the killer of the Kassel district president, Walter Lübcke, was a member of such a network and—contrary to the original lies of the secret service—was active for years in the right-wing extremist scene.

Hans-Georg Maassen, who headed the Federal Office for the Protection of the Constitution at the time of the Indymedia ban, is notorious for his close ties to the AfD. He met leading representatives of the AfD, advising them how to avoid their party being listed as a right-wing extremist organization in the secret service annual report and publicly defending them, as in the case of the neo-Nazi riots in Chemnitz. At the same time he **ensured** that the Sozialistische Gleichheitspartei (Socialist Equality Party), which has fought consistently against the extreme right, is now officially categorised as “left-wing extremist” and is an “object of surveillance” by the secret service.

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