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German authorities shut down investigations into far-right and state crimes

The closing of the year 2019 has confirmed that the revival of the far-right in Germany is principally due to policies pursued by the country's ruling elite. Extreme right-wing elements inside and outside the state apparatus are being protected and encouraged from the very top.

At the end of December the German government acknowledged that 94 murders had been carried out by far-right motivated perpetrators since the reunification of the country in 1989-90.

However, the chair for criminology at the Law Faculty at the Ruhr University in Bochum, Prof. Tobias Singelstein, is of the opinion that the number of victims of extreme right-wing violence is "far greater." The true death toll is believed to be twice as high. The Amadeus Antonio Foundation (AAS) currently lists on its website 198 deaths at the hands of the extreme right and also refers to at least twelve additional suspected cases.

Amad Ahmad, for instance, does not appear in any of the statistics.

A refugee from Syria, Ahmad was detained on July 6, 2018. The arresting authorities claimed his identity was confused with a man with the same name from Mali. The innocent Syrian was held in prison in Kleve in North Rhine-Westphalia for almost two and a half months. He was then alleged to have set fire to his cell on September 17. Calls to wardens for help were left unanswered until a late stage. Ahmad died of his injuries two weeks later. He was just 26 years old.

A report on the incident commissioned by the ARD television program Monitor clearly concluded that the fire in the cell in the Kleve correctional facility could not have happened in the manner described by the public prosecutor. The version put forward, i.e. that Ahmad started the fire himself, was highly questionable.

Nevertheless, investigations into the role played by seven police officers and a prison doctor were terminated in early November. According to the public prosecutor's office in Kleve the officers who originally arrested Ahmad had received incorrect information when attempting to obtain data.

The official who had collated the records of the two men from Mali and Syria was also declared innocent of any intentional and punishable behaviour. The woman concerned declared she was only following orders and could not remember who gave her instructions. Investigations into prison workers have also been terminated. The prosecutor said that the procedure to put out the fire in the cell had been acceptable.

One of the most well-known victims of far right violence was Oury Jalloh. Jalloh is listed by the Amadeu Antonio Foundation as a victim of right-wing violence, but not by the German government. January 7 marks the 15th anniversary of his death. The young man from Sierra Leone was arrested by a police patrol, dragged to a police station and left handcuffed in the basement. A few hours later, he was dead, burnt to death in a police cell. He was alleged to have set fire to the mattress on which he was lying, although he was constrained the whole time.

The case was plagued by huge contradictions and a growing number of inconsistencies. A police officer at the station who initially implicated her colleagues in the death, withdrew her original statement and then changed it. A thorough post-mortem was only carried out thanks to the persistence of a group calling itself the Initiative In Memory of Oury Jalloh. The post mortem revealed that the asylum seeker had been severely mistreated prior to his death. The Initiative has repeatedly tried to bring the case to court again.

Two reports on the blaze, carried out in 2013 and 2015 on behalf of the Initiative, both concluded that Jalloh could not have set himself on fire. In 2017 it was revealed that the Dessau prosecutor Folker Bittmann had come to the conclusion that Oury Jalloh had been murdered. He had drawn up another report on the fire, which basically confirmed that gasoline had been poured onto Jalloh's bed and then set on fire.

The prosecutor also presumed that police at the station had tried to cover up internal investigations into claims of dangerous bodily harm resulting in death following Jalloh's death.

Bittmann was subsequently withdrawn from the investigation and the attorney general for the state of Saxony-Anhalt, Jürgen Konrad, transferred the case to the public prosecutor in Halle. A short time later, in October 2017, all investigations ceased.

Following a public outcry, justice minister Anne-Marie Kedig (CDU) agreed to an official inquiry to check whether the decision to stop all investigations was legal. Kedig commissioned Konrad, the attorney general who had withdrawn the case from Bittmann, to adjudicate. One year later, on November 29, 2018, Konrad presented his report and closed down the investigation.

The Initiative in Memory of Oury Jalloh refused to give up. In *Der Spiegel* at the beginning of November, the criminologist Professor Singelstein described a new forensic report by the Frankfurt radiologist Professor Boris Bodelle, as creating “a small sensation.” So far, there had been “many question marks” surrounding the case, now additional unresolved issues had arisen. The Frankfurt report not only confirmed that Jalloh's nose had been broken. Jalloh had suffered other injuries he couldn't possibly have caused himself—contrary to the testimony of police officers after his death.

In a press release, the Initiative quoted from the report: “After examining the computer tomography images from March 31, 2005 of the body of Oury Jalloh, broken bones of the nasal bone, the bony nasal septum as well as a fracture in the anterior skull roof and a fracture of the 11th rib on the right side were detectable. It can be assumed that these changes occurred before the onset of death.”

The press release also states that as part of the investigation by the police doctor, Dr. Blodau, between 9:15 a.m. and 9:30 a.m. “there was no mention of the injuries or symptoms of injuries to the body or face of Oury Jalloh that have now been identified.” The Initiative therefore assumes that “both the fracture of the nasal bone and base of the skull and the broken 11th rib on the right side must have taken place in the period between the examination by Dr. Blodau and the outbreak of fire in cell No. 5.”

The period of death has been clearly identified between 9:30 a.m. and 12:05 p.m. and “the circle of possible perpetrators is clearly limited—it is limited to the people present in the Dessau police station with access to the custody cells.” Police officers may well have initiated the fire to cover up their abuse of Jalloh.

The Higher Regional Court (OLG) of Saxony-Anhalt in Naumburg dismissed a motion for consideration of the new expert opinion as part of the legal case lodged by Jalloh's brother. The court declared the motion to be "inadmissible" and any further investigation "unfounded." According to the court there was "insufficient suspicion of a crime" and concluded that even if police officers inflicted a broken rib on Jalloh, it would not constitute "a comprehensible motive for a covert murder." The court excluded a racist motive from the outset. The existence of "institutional racism" was "not a motive for a deliberate homicide."

At the end of November, Beate Böhler, the lawyer for Jalloh's brother, lodged an appeal with the Federal Constitutional Court against these and other decisions by the OLG Naumburg. According to attorney Böhler: "The obligation to effectively enforce the law applies to all law enforcement bodies." There remained the suspicion that two police officers "had not only illegally detained the victim, but also mistreated and burned him in cell 5 to cover up their abuse."

All the evidence indicates that Oury Jalloh and Amad Ahmad were the victims of right-wing elements in the state apparatus. It is not only the mutual closeness of the authorities involved that is relevant, as Professor Singelstein told the news magazine *Stern*: "Public prosecutors work with the police on a daily basis; the same applies to the courts."

Instead, significant sections of the state apparatus are more or less openly collaborating with right-wing extremists and neo-Nazis. This has been the case for some considerable time in Germany's eastern states—as evidenced by the crimes of the far right National Socialist Underground (NSU)—and has been official government policy since 2017 when the federal government commenced implementing the policies of the far right Alternative for Germany, thereby paving the way for the party's electoral successes in 2019. At the same time, Germany's domestic intelligence service, the Office for the Protection of the Constitution (BfV), has undertaken measures to persecute political opponents of the grand coalition and AfD such as the Socialist Equality Party.

This has created a social climate in which extreme right-wing terrorists can flourish. In June 2019, and for the first time since World War II, a leading politician, the president of the administration in Kassel, Walter Lübcke (CDU), was murdered by the far right terrorist Stephan Ernst. In the city of Halle, the neo-Nazi Stephan Balliet shot two people indiscriminately after failing to gain entry to a synagogue where he planned to kill Jewish worshippers.

Halle, like Dessau, where Jalloh died, is in the state of Saxony-Anhalt, which is currently governed by a coalition of the CDU, SPD and Greens. The links between the state and the far right is a matter of record in Saxony-Anhalt. Only recently, the state interior minister and CDU state chairman Holger Stahlknecht sought to appoint the chairman of the police union, Rainer Wendt, as state secretary. Wendt is close to the AfD and was one of the most ardent defenders of the former head of the BfV, Hans-Georg Maassen, who has embraced openly fascistic policies.

Stahlknecht also rejected allegations that he should have provided police protection in front of the synagogue in Halle. Stahlknecht declared there was no reason to do so. In fact it was only the failure of Baillet to break down the synagogue door which prevented what would have been the biggest slaughter of Jews in Europe since the end of Hitler's rule.

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