

Germany: State prosecutor persecutes artists group for criticising far-right AfD

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For the past 16 months the prosecutor's office in the city of Gera has been investigating an artistic association known as the Center for Political Beauty (ZPS) on suspicion of "forming a criminal organisation." The trigger for the investigation was a protest action by ZPS artists against Björn Höcke, the leader of the far-right Alternative for Germany (AfD) in the state of Thuringia. Höcke is on the extreme right wing of the party.

Paragraph 129 of the German Criminal Code, on which the prosecution is based, is usually employed against violent terrorist or criminal groups. It permits investigators to use covert measures on a large scale.

The investigation of the Center for Political Beauty only became public two weeks ago following a routine question by the Left Party state parliamentary group about investigations into the activities of criminal and terrorist groups. In the official response, the groups under investigation included not only the Islamic State (IS), the Al-Nusra Front, football hooligan networks and a group of Holocaust deniers, but also a "group of performance artists." It quickly turned out that this referred to the ZPS.

The ZPS is an association of about 70 performance artists who, during the past 10 years, have carried out public artistic activities protesting against the turn to the right in political and social circles. According to the ZPS website: "Our basic conviction is that the lessons learnt from the Holocaust have been nullified by repeated political apathy, the repulsion of refugees and cowardice and that Germany must not only learn from history, it must also act."

Because of its political activities the ZPS has itself become the target of terrorist threats. Its name was on the death list of a terrorist network in the German army around the officer Franco A.

The reason cited for the investigation by the Gera prosecutor was an artistic action organised by the ZPS in Bornhagen, Thuringia. On November 22, 2017, under the project name "Building the Holocaust Memorial in front of Höcke's House!" the artists collective unveiled a miniature replica of the original memorial in Berlin, which it erected on a leased neighbouring property within sight of the home of the AfD leader.

With its action the ZPS sought to draw attention to a speech made by Höcke in January 2017 in Dresden. In his speech Höcke sharply attacked the Holocaust commemorations, describing them as a "stupid coping strategy" that sought to "denigrate" German history. He called for a "complete reversal of remembrance policy" and declared: "We Germans, our people, are the only people in the world who have planted a monument of shame in the heart of their capital."

Part of the ZPS action was a satirically staged, surveillance operation of the house in which Höcke lives with his family. In a video clip the ZPS stated: "For years the Thuringian domestic intelligence agency covered up for and facilitated the terror of the NSU [a fascist terror group that murdered nine migrants and a police woman]. That's why we set up the civilian version of the Thuringia intelligence agency." Höcke had been monitored for more than 10 months, the ZPS claimed.

Less than 10 days later, however, the group made it clear that this

surveillance was of a satirical nature. Among other stunts, ZPS supporters dressed up in trench coats and one man in a Star Wars Chewbacca costume with a giant telephoto lens ran across a meadow. The group then revealed material that Höcke had publicly said or written on Facebook and in interviews.

Höcke's speech in Dresden against Holocaust remembrance met with no legal or political consequences. Instead the AfD, as well as members of the Christian Democratic Union (CDU), which is part of the current federal government, plus the media reacted by launching a hysterical campaign against the artists collective.

The president of the Thuringian state parliament at that time, Christian Carius (CDU), compared the artist's initiative with the methods of the Nazis and the Stasi, the East German secret police. He described it as a "psychological terror" and openly called for the prosecution of the ZPS.

"This is why I asked the minister of interior in a telephone call to urgently ensure that the so-called surveillance will be stopped and that necessary criminal investigations will be initiated. In the interest of unhindered exercise of the free mandate, I declare a public interest in a criminal investigation," Carius told the state parliament.

In a tweet the AfD in Thuringia accused the ZPS of the "formation of a criminal organisation." Höcke ally and party colleague Jens Maier, a judge and member of parliament, filed criminal charges against the ZPS, expressing similar views. The AfD in Thuringia complained of "psychological warfare."

Shortly after the action took place Höcke spoke at a solidarity conference of the far-right-wing *Compact* magazine published by Jürgen Elsässer in Leipzig. Anyone who does such a thing is a terrorist, he said. "That's why this group of artists is not a group of artists. It's a criminal organisation; yes, a terrorist organisation."

Höcke was speaking to an assembly of right-wing extremists and neo-Nazis to whom the concept of "terrorism" is not alien. With him on the podium were several well-known right-wing extremists—a musician of a right-wing rock band with connections to the NSU; the previously convicted founder of the Pegida-movement, Lutz Bachmann, and his armed bodyguard Siegfried Däbritz; and Martin Sellner, head of the Austrian Identitarian movement who has received a donation from Christchurch terrorist Bernton Tarrant.

Just four days after Höcke called the ZPS a "terrorist organisation" the prosecutor in Gera took his cue and initiated investigations against the group under paragraph 129.

Responsibility for this outrageous attack on the basic right to freedom of art, opinion and association lies not only with the prosecutor's office and its stooges in the AfD and CDU, but with the Thuringian state government, a coalition of the Left Party, Greens and Social Democratic Party SPD. Thuringia is the only German state led by a member of the Left Party, Bodo Ramelow.

It is important to recall that prosecutors, unlike judges, are not formally independent but, as civil servants, are subordinate and advised to follow

the instructions of the minister of Justice. That post is currently held in Thuringia by Dieter Lauinger from the Green Party.

It has long been known that the judiciary, police and intelligence services in Thuringia and neighbouring Saxony are full of far-right conspiracies. A militant right-wing extremist scene has thrived in the region with generous financial support from the intelligence service. For years the neo-fascist NSU terror gang, which committed 10 racist murders and numerous assaults, was able to do what it liked, under the noses of several dozen state uncover agents.

Politicians from the Left Party, the SPD and the Greens were themselves victims of these right-wing conspiracies. For a number of years the state premier, Ramelow, was himself subject to surveillance by the Thuringian secret service. He was forced to lodge an appeal with the Federal Constitutional Court in order to halt the surveillance. But as soon as they are in power, the Left Party, the SPD and the Greens seek to cover up the far-right conspiratorial forces in the state apparatus.

This process is exemplified by the figure of the Gera prosecutor, Martin Zschächner, who is responsible for the investigation into the ZPS. He has close links to the AfD and his career has been characterised by aggressive crackdowns on left-wingers and anti-fascists. At the same time, he has repeatedly provided cover for right-wing extremists—tolerated by the Ramelow administration and its Green Party justice minister.

In an article published on April 5, *Zeit online* researched Zschächner's background. According to the article, Zschächner donated €30 to the AfD on April 1, 2018 via his private mail address, a clear indication of his political links to Höcke's party.

Zschächner has repeatedly authorised raids against leftist activists and protesters. One of his targets was the Jena city youth pastor Lothar König, who is also being persecuted by the Saxony authorities because of his anti-fascist activities. König's lodgings were searched after he was alleged to have hit a police officer during a demonstration. Zschächner began investigations against him for offensive language after König called AfD supporters "Nazis" and König was subsequently sentenced to a fine.

An office of the Left Party youth grouping Linksjugend Solid was also searched for allegedly supporting the Kurdish PKK. In fact, the organisation had merely advertised a legally approved rally on Facebook.

On the other hand, Zschächner takes a very different line against right-wing extremists. In a lawsuit against a Holocaust denier accused of authoring racist diatribes, Zschächner pleaded in favour of suspended sentence. An investigation into AfD supporters who had sung the anti-Semitic "U-Bahn Song," which alludes to the transportation of Jews to the Auschwitz extermination camp, was terminated on the grounds that the song constituted neither incitement nor slander.

The proceedings against the ZPS recall the conditions prevailing during the Weimar Republic, when the judiciary ruthlessly persecuted opponents of war such as Carl von Ossietzky and Communists, while right-wing criminals and Nazis, such as the murderers of Rosa Luxemburg and Karl Liebknecht, and Hitler after the coup of 1923, were either spared or received insignificant penalties.

Paragraph 129 of the Criminal Code, on which the persecution of the ZPS is based, stands in this tradition. From 1871 to 1945, it was directed against "groupings opposed to the state." Its political nature was clear from the start. The German chancellor Otto von Bismarck used the paragraph to persecute Social Democrats and following WWI it was used against the German Communist Party (KPD). In the 1950s, KPD members, who had only recently been freed from the Nazi concentration camps, once again suffered under this paragraph, when it was used to monitor opponents of rearmament and actual or supposed supporters of the banned KPD.

Legally, the investigation against the ZPS is unfounded. In an interview with *Zeit online*, the president of the German Defence Lawyers' Association, Jürgen Möhrath, replied to the question whether the public

prosecutor's office had to proceed against the ZPS because of Höcke's alleged surveillance by the group. His answer was a clear no.

In order to investigate on the basis of paragraph 129, there must be evidence of a serious offence "likely to jeopardise public safety," Möhrath said. "If you observe Björn Höcke, even if you intercept his mail, that would not justify an investigation based on paragraph 129. There are a plethora of photojournalists who professionally chase after politicians, and none of them are investigated for forming a criminal organisation."

The prosecution's investigation into a group of artists who are critical of the AfD confirms that the far-right party is receiving support and promotion from the highest political level. It is able to rely on supporters in the state apparatus such as prosecutor Zschachner. The party itself has a disproportionate number of police officers and soldiers in its ranks. One sixth of all AfD deputies in federal and state parliaments are civil servants.

At the same time opposition to the far right is being persecuted and criminalised, and this does not just apply to the ZPS. Julian Assange and Chelsea Manning are behind bars and must fear for their lives because they have uncovered imperialist war crimes. The German Socialist Equality Party (SGP) is also being monitored by the federal domestic intelligence agency (BfV) and is classified in its annual report as "left-wing extremist" because it systematically fights against the rise of the far right and their ideological stooges in the universities. The SGP has responded by filing a lawsuit against the BfV.

The ruling class needs the extreme right to suppress growing opposition to poverty, social cuts, horrendous rents, militarism and military and police rearmament. This is not just a German, but an international development. Right-wing extremists are already sitting in the highest government offices in the US, Brazil, the Philippines and many European countries.

The defence of democratic rights is crucial to prevent the return of fascism and war. No reliance can be placed on the SPD, the Greens or the Left Party, as the example of Thuringia makes very clear. These parties are deeply integrated into the ruling class and its state structures. They are determined to defend capitalism against the working class and fear the latter far more than the far right.

The defence of democratic rights and social gains requires the building of an independent movement in the working class that fights for an international, socialist program.

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