

The head of Germany's counterintelligence has resigned

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On 2 July, Heinz Fromm handed in his resignation from the post of the head of the Federal Office for the Protection of the Constitution (BfV). Two days later, the head of the Office for the Protection of the Constitution in Thuringia was dismissed, and the head of this office in Saxony handed in his resignation on 11 July. The reshuffle among the senior staff of Germany's secret services is a consequence of negligence in the investigation against the neo-Nazis from the grouping National Socialist Underground (NSU). Between 2000 and 2007, this group murdered nine immigrants and one German policewoman. The immediate cause of Fromm's resignation was the disclosure in front of the Bundestag's Committee of Inquiry into the activity of the NSU of the fact that the BfV had destroyed part of the files of this investigation. These documents concerned the engagement of seven counterintelligence agents in the activity of the grouping Thuringia Homeland Security, in which members of the NSU had previously been active. The investigation into this series of murders has been causing controversy in Germany since autumn 2011, when one of the members of the NSU turned herself in to the police (the other two committed suicide). It turned out that, although the investigation had been ongoing from 2000 and that clear hints had been received, the service had been unable to break up this dangerous neo-Nazi group.

Commentary

- It has thus far been impossible to discover the reason why the files were destroyed or to explain why this fact was not recorded. The BfV is conducting disciplinary proceedings against an employee of this office in connection with this matter. The German secret services have been reproached for chaos and a lack of procedures. For example, the BfV has no regulations to determine the period for which files should be kept and to record the disposal of files. This calls into question the efficiency of the office's operation and allows speculation that similar cases of document destruction could have taken place in the past. The destruction of the files concerning the undercover agents active in the structures of Thuringia Homeland Security gives rise to the suspicion that the information contained in them could reveal that these agents had played a greater role in the attacks staged by the NSU (for example, aiding and complicity) and could incriminate other workers of the BfV.

- One direct consequence of the failings revealed in the German counterintelligence is likely to be a reform of this agency. Hans Peter Friedrich, the Minister of the Interior, has already appointed a special plenipotentiary in charge of examining the irregularities inside the BfV and has announced changes. Reforms have been demanded by members of the parliamentary Committee of Inquiry on the NSU, the opposition parties, Minister of Justice Sabine Leutheusser-Schnarrenberger (FDP) and the president of the CSU, Horst Seehofer. Clear procedures for the circulation and archiving of documents should be introduced, and the co-operation between the central and the local offices should be regulated (the competences of the local branches could even be reduced). This reform is also likely to bring about major changes, for example, those concerning planting undercover counterintelligence agents in neo-Nazi circles and the scope of their activity.

- The change of the rules for German counterintelligence to infiltrate neo-Nazis could make it possible to ban radical right parties, first of all the NPD. In 2003, the Federal Constitutional Court rejected the motions from the federal government, the Bundestag and the Bundesrat to ban this party due to the reservations concerning the scope of operation of BfV agents in the leadership of a local branch of the NPD. The court found that it was unable to state beyond any doubt that the office's associates had not incited any of the NPD's actions. Subsequent initiatives for banning the NPD have also been unsuccessful for the same reason (most recently in 2011).