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**Der Generalbundesanwalt beim Bundesgerichtshof
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Open letter against the criminalization of critical academic research and political engagement

On 31st July 2007 the flats and workplaces of Dr. Andrej Holm and Dr. Matthias B., as well as of two other persons, were searched by the police. Dr. Andrej Holm was arrested, flown by helicopter to the German Federal Court in Karlsruhe and brought before the custodial judge. Since then he has been held in pretrial confinement in a Berlin jail. All four people have been charged with “membership in a terrorist association according to § 129a StGB” (German Penal Code, section 7 on ‘Crimes against Public Order’). They are alleged to be members of a so-called ‘*militante gruppe*’ (*mg*). The text of the search warrant revealed that preliminary proceedings against these four people have been going on since September 2006 and that the four had since been under constant surveillance.

A few hours before the house searches, Florian L., Oliver R. und Axel H. were arrested in the Brandenburg region and accused of attempted arson on four vehicles of the German Federal Army. Andrej Holm is alleged to have met one of these three persons on two occasions in the first half of 2007 in supposedly “conspiratorial circumstances”.

The Federal Prosecutor (*Bundesanwaltschaft*) therefore assumes that the four above mentioned persons as well as the three individuals arrested in Brandenburg are members of a “militant group,” and is thus investigating all seven on account of suspected “membership in a terrorist association” according to §129a StGB.

According to the arrest warrant against Andrej Holm, the charge made against the above mentioned four individuals is presently justified on the following grounds, in the order that the federal prosecutor has listed them:

- Dr. Matthias B. is alleged to have used, in his academic publications, “phrases and key words” which are also used by the ‘*militante gruppe*’;

- As political scientist holding a PhD, Matthias B. is seen to be intellectually capable to “author the sophisticated texts of the ‘*militante gruppe*’ (*mg*)”. Additionally, “as employee in a research institute he has access to libraries which he can use inconspicuously in order to do the research necessary to the drafting of texts of the ‘*militante gruppe*’”;
- Another accused individual is said to have met with suspects in a conspiratorial manner: “meetings were regularly arranged without, however, mentioning place, time and content of the meetings”; furthermore, he is said to have been active in the “extreme left-wing scene”;
- In the case of a third accused individual, an address book was found which included the names and addresses of the other three accused;
- Dr. Andrej Holm, who works as urban sociologist, is claimed to have close contacts with all three individuals who have been charged but still remain free;
- Dr. Andrej Holm is alleged to have been active in the “resistance mounted by the extreme left-wing scene against the World Economic Summit of 2007 in Heiligendamm”;
- The fact that he – allegedly intentionally -- did not take his mobile phone with him to a meeting is considered as “conspiratorial behavior”.

Andrej Holm, as well as Florian L., Oliver R. und Axel H., are detained since 1st August 2007 in Berlin-Moabit under very strict conditions: they are locked in solitary confinement 23 hours a day and are allowed only one hour of courtyard walk. Visits are limited to a total of half an hour every two weeks. Contacts, including contacts with lawyers, are allowed only through separation panes. The mail of the defense is checked.

The charges described in the arrest warrants reveal a construct based on very dubious reasoning by analogy. The reasoning involves four basic hypotheses, none of which the Federal High Court could substantiate with any concrete evidence, but through their combination they are to leave the impression of a “terrorist association”. The social scientists, because of their academic research activity, their intellectual capacities and their access to libraries, are said to be the brains of the alleged “terrorist organization”. For, according to the Federal prosecutor, an association called “*militante gruppe*” is said to use the same concepts as the accused social scientists. As evidence for this reasoning, the concept of “gentrification” is named - one of the key research themes of Andrej Holm und Matthias B. in past years, about which they have published internationally. They have not limited their research findings to an ivory tower, but have made their expertise available to citizens’ initiatives and tenants’ organizations. **This is how critical social scientists are constructed as intellectual gang leaders.**

Since Andrej Holm has friends, relatives and colleagues, they now also are suspect to be “terrorists”, because they know Andrej. Another accused individual was blamed for having the names of Andrej Holm and of two others charged (but not jailed) in his address book. Since the latter are also deemed to be “terrorists” – **this is how “guilt by association” is established.**

Paragraph § 129a, introduced in Germany in 1976, makes it possible for our colleagues to be criminalized as “terrorists”. **This is how, through § 129a, the existence of a “terrorist group” is claimed.**

Through these constructs, every academic research activity and political work is presented as potentially criminal – in particular when politically engaged colleagues who intervene in social struggles are concerned. **This is how critical research, in particular research linked with political engagement, is turned into ideological ring leadership and “terrorism”.**

We demand that the Federal Prosecutor (*Bundesanwaltschaft*) immediately suspend the § 129a-proceedings against all parties concerned and release Andrej Holm and the other imprisoned from jail at once. We strongly reject the outrageous accusation that the academic research activities and the political engagement of Andrej Holm are to be viewed as complicity in an alleged “terrorist association”. No arrest warrant can be deduced from the academic research and political work of Andrej Holm. The Federal Prosecutor, through applying Article § 129, is threatening the freedom of research and teaching as well as social-political engagement.

Signature(s)

Date