

PR together with Chaos Computer Club (CCC) und digitalcourage e. V. 14.07.2015

Federal Prosecutor General protracts investigations regarding NSA spying

After a long period of silence, the Federal Prosecutor General responded to the criminal charges brought by several civil rights groups against the German Federal Government. He is however stalling an investigation into the charge, which concerns the mass surveillance of citizens by secret services. Here, we publish the response. [0]

In response to increased pressure from our lawyers, Federal Prosecutor General Harald Range has issued a letter in reply to the criminal charges brought by the International League for Human Rights (ILMR), the Chaos Computer Club (CCC), Digitalcourage e. V., and four individuals from February 3rd, 2014. The charge focuses on illegal espionage as well as aiding thereof, the violation of privacy, and obstruction of justice through implicit consent and cooperation. [1]

Almost a year and a half after the criminal complaint, the Federal Prosecutor General now reacts for the first time with a letter, in which he states why he will not start an official investigation at this point in time, but that evidence will be examined further. A final decision on initiating an investigation has not yet been made.

The Federal Prosecutor General justifies his continuing inactivity with a supposed lack of sufficient and actual evidence of felony offences. He writes at great lengths about lacking even an approach for an investigation of the wire-tapping of Chancellor Merkel's mobile phone. In the meantime, Wikileaks has published further evidence of sweeping espionage by intelligence agencies. [2], [5] Range claims not to be able to get access to the original documents that Edward Snowden handed over to the media. The evidence of total surveillance of the public, laid out in detail in our criminal complaint and further writings, was only worth two meager paragraphs to him.

CCC spokesperson Falk Garbsch says: „Apparently, everyone reading a newspaper knows more about the surveillance of the public and the government than the Federal Prosecutor General. His refusal to work is a purely political failure. Blatant facts and evidence are being ignored.“

In the numerous press reports and Snowden papers, Range does not see the makings of argumentation that would stand up in court. But by failing to start an official investigation, he actually prevents his office from assessing and reviewing existing information and acquiring the evidence necessary for appropriate litigation.

The NGOs now explicitly demand that the Federal Prosecutor General meets his responsibility as chief prosecutor and immediately starts an official investigation, acquires required evidence, and especially hears Edward Snowden as a witness.

Regarding the Federal Prosecutor General's delay of the investigation, the President of the ILMR, Fanny-Michaela Reisin, stated: „For years, the League has been raising the issue that the intelligence services are incompatible with democracy and the rule of law. The Chancellor and her government are, with respect to secret agreements, blatantly and quite publicly suspending applicable constitutional law and the separation of powers. It is equally unacceptable that the Federal Prosecutor General refuses to begin urgently needed investigations following the Snowden revelations. This is reminiscent of the behaviour of the government during the Weimar republic, which paved the way for totalitarianism.“

Background:

On February 3rd, 2014 the International League of Human Rights (ILMR), Chaos Computer Club (CCC) and Digitalcourage filed a complaint against the US, British, and German intelligence agencies and their directors, against the presidents of the Federal Intelligence Service (BND), the Federal Office for the Protection of the Constitution (VfS), and the Military Counter-Intelligence Service (MAD), and against the Federal Minister of the Interior, the Chancellor, and all others responsible. Six more NGOs and 1,848 individuals have since joined in the complaint.

The complaint was broadened on June 4th, 2014 with an additional writing to the Federal Prosecutor General based upon new publications regarding ongoing NSA operations that were detected and saved on a CCC server in the anonymization network Tor. Following further publications regarding the Federal Prosecutor General's continuing failure to act, the NGOs again broadened their complaint on June 6th of this year, the second anniversary of the Snowden revelations.

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