

GERMANY: LAW CREATING THE COMMISSION OF INQUIRY ON "WORKING THROUGH THE HISTORY AND THE CONSEQUENCES OF THE SED DICTATORSHIP"

Act No. 12/2597 (May 14, 1992)

A

I. To work through the history and consequences of the SED [East German Communist Party, known as the "German Socialist Union Party"] dictatorship in Germany is a joint task of all Germans. It is particularly important for the purpose of truly unifying Germany.

The legacy of the SED dictatorship continues to be a burden preventing people in Germany from coming together. The experiences of injustice and persecution, humiliation and discouragement are still alive. Many people are looking for clarification, struggling for orientation in dealing with their own and others' responsibility and culpability; they are asking questions about the roots of the dictatorial system set up in the SBZ/GDR [the former German Democratic Republic]; about the political, mental, and intellectual and emotional effects of the dictatorship; about the possibilities of political and moral rehabilitation of the victims.

To work through these issues, the commission of inquiry appointed by the March 12, 1992 resolution of the *Bundestag* (Paper 12/2230 of March 11, 1992) has a specific mandate. It carries this obligation for the people of all of Germany, but above all to the Germans in the new Federal States [German "Länder"], who had been subjected to dictatorial forms of government for nearly six decades; the *Bundestag* considers it an essential concern of the Commission to offer them help in confronting the past and assessing personal responsibility.

The *Bundestag* is aware of the inherent limits of working through issues with political-constitutional (rule of law) connotations. The effort to satisfy an injured sense of justice by revealing injustice and identifying responsibilities is thus all the more important. At the same time, it is important to make a contribution to reconciliation in society.

The commission of inquiry shall not forestall or replace the necessary historical research. The goal of its work is to contribute, in dialogue with the public, to the solidification of democratic consciousness and the further development of a common political culture in Germany.

II. In this regard, the Commission has the mandate to make contributions to political-historical analysis and to political-moral assessment. This includes:

1. to analyze the structures, strategies and instruments of the SED dictatorship, in particular the issue of responsibilities for the violation of

human and civil rights and for the destruction of nature and the environment; including:

- the decision processes of the SED,
- the relation of the SED and the government apparatus, particularly the relation between the various levels of the SED and the MfS [Ministry for State Security],
- structure and mode of operation of national security, the police and the justice system,
- the role of the mass parties, mass organizations and the media,
- the militarization of the society and the role of the "armed bodies,"
- restructuring the economy and rendering it instrumental (expropriation; forced collectivization, centrally administered economy),
- careless handling of nature and the environment;

2. to illustrate and evaluate the significance of ideology, integrative factors and disciplining practices, including:

- the function and rendering instrumental of Marxism-Leninism and anti-fascism,
- importance and misuse of education, instruction, science, literature, culture, art and sport,
- dealing with the effects and the role of career offers and privileges;

3. to examine the violation of international human rights agreements and standards and the forms of appearance of oppression in various phases; to identify groups of victims and consider possibilities of material and moral restitution, including:

- political repression by criminal law, punitive justice and execution of sentences (e.g., prison conditions, mistreatment, restrictions on liberty, deportations);
- the mechanisms of political, mental and psychosocial oppression in people's everyday life and their consequences since 1945/46;

4. to work out the possibilities and forms of deviating and resistant behavior and oppositional action in the various spheres along with the factors that influenced them;

5. to illustrate the role and identity of the churches in the various phases of the SED dictatorship;

6. to judge the significance of the international framework conditions, particularly the influence of Soviet politics in the SBZ and the GDR;

7. to examine the significance of the relation between the Federal Republic of Germany and the GDR, including:

- German political goals, guiding concepts and perspectives for action in the two nations;
- domestic political, economic, social and cultural relations and their effects on the development of the GDR;
- the significance of personal connections for the sense of belonging together;
- the influence of the media of the Federal Republic of Germany in the GDR;
- the activities of the SED and the GDR in the Federal Republic of Germany and in the international sphere;

8. to include the issue of continuities and analogies of thought, behavior and structures in 20th century German history, particularly the period of the national socialist dictatorship.

III. Coming to terms with the history of the SED dictatorship is to be illustrated using the following data and periods:

- constitution of the dictatorship and its framework conditions, 1945-1949 (e.g.: Potsdam Treaty, land reform, forced unification of SPD [German Socialist Party] and KPD [German Communist Party] into the SED, political and social elimination of opposition, among others);
- uprising of June 17, 1953;
- forced collectivization and construction of the Berlin Wall;
- entry of the Warsaw Pact troops into Czechoslovakia in 1968;
- transition from Ulbricht to Honecker 1971;
- peaceful revolution in Autumn 1989 and German reunification.

IV. The Commission shall strive primarily to achieve the following practical results from its work:

- contributions to the political and moral rehabilitation of the victims and to redress damages related to the dictatorship;
- to show possibilities of overcoming continuing disadvantages in education and professions;
- contributions to clarifying the matter of government criminality in the GDR;
- obtaining, securing and opening the pertinent archives;
- improving the conditions for scholarly research on the SBZ/GDR past;
- recommendation for action to the *Bundestag* with respect to legislative measures and other political initiatives,
- suggestions for coming to terms with the East German past in pedagogical and psychological terms.

V. The mode of operation of the commission of inquiry shall contain the following elements, among others:

- discussions with interested parties and citizens' groups on site. Dialogue with scientists, scholars and grass-roots groups which work through GDR history;
- public hearings and forums;
- commissioning of presentation of expert assessments and scholarly studies.

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The Commission will be named as follows:

Commission of Inquiry on "Working through the History and the Consequences of the SED Dictatorship in Germany"...

Rainer Eppelmann, Chairman	Dr. Dorothea Wilms
Markus Meckel	Dirk Hansen
Gerd Poppe	Dr. Dietmar Keller