Interview with Martin Balluch

John Sorenson

Dr. Martin Balluch obtained a double PhD in Physics and Philosophy at the University of Heidelberg in 1989. He was a lecturer and researcher at the Universities of Vienna, Heidelberg and Cambridge, where he was a colleague of Dr. Stephen Hawking. Active in animal rights since 1985, Dr. Balluch gave up his promising academic career in 1997 to become a fulltime advocate for animals. In 1999 he was the co-founder of the Austrian Vegan Society and in 2002 he became president of the Austrian Association Against Animal Factories (Verein Gegen Tierfabriken). Dr. Balluch's advocacy led to cooperation among various animal protection groups in Austria and helped to achieve the 2004 decision by the Austrian Parliament to add a clause to the country's Constitution, specifying that "The state protects the life and wellbeing of animals in its responsibility for them as fellows of mankind." In response to Dr. Balluch's campaign to ban battery cages for chickens, the Austrian government declared these illegal in 2009. Dr. Balluch also organized and participated in other successful campaigns against fur farms, against the sale of dogs and cats in pet stores and the public display of these animals for the purpose of selling them, against shelters that kill animals and against the use of wild animals in circuses. Dr. Balluch's activity also resulted in the creation of state-appointed "animal solicitors" in each province whose task it is to act on behalf of animals and monitor all trials involving animal-related matters. Furthermore, Austria's police are now legally required to act upon violations of law concerning animals and the government must report regularly on what advances are being undertaken in terms of animal protection.

In his chapter for Peter Singer's edited book, *In Defense of Animals*, Dr. Balluch says that the work of animal advocates helped to create animal laws that were "the most advanced in the world" and he argued that these legal efforts had a far greater impact on the battery farming industry than direct action taken by the Animal Liberation Front. No doubt the success of these efforts led to the targeting of animal activists by the Austrian state. In 2008, Dr. Balluch was one of ten activists arrested at gunpoint and imprisoned without charges under laws that had been introduced to fight organized crime. The obvious misuse of these laws to target animal activists led to an extended

hunger strike by Dr. Balluch, who was eventually force-fed by the police. Despite condemnation by Amnesty International and the Green Party, an international outcry and demonstrations at Austrian embassies in numerous countries, Austrian authorities have persisted in what is an obvious travesty. While in prison, Dr. Balluch was invited by Green Party leader Alexander Van der Bellen to run as a candidate for the party in the 2008 elections. Released in 2008, Dr. Balluch is still engaged in a legal battle against criminal conspiracy charges.

John Sorenson: Can you give us a brief overview of this issue? In May 2008 you and other animal activists in Austria were arrested in a mass roundup, some at gunpoint and in a very brutal way. Why did this happen and what were you charged with?

Martin Balluch: For several years, the anti-terrorist police have been investigating with increasing attention the animal rights movement. The reason for that, however, never was a threat that movement might pose to society, but rather, the effect animal rights campaigns had on animal industries, mainly through tougher legislation in animal welfare.

In November 2006, investigations started in earnest against me and my organisation. In April 2007, a special police unit was founded for that purpose. On 21st May 2008, the investigation culminated in 23 raids on private homes and 8 animal rights offices. In the next months a further 11 raids followed. At our office, the police turned up in the early morning hours with two lorries and carried away absolutely everything that was in our office. At my home, about 30 officers turned up in the dead of night, masked, with helmets, torch lights and drawn guns, smashed my door in and pulled me naked out of the bed. Then my home was searched for 6 hours and I was whisked away to prison.

I was not charged, initially, but it was claimed I was suspected of being the head of a criminal organisation in animal rights, which supposedly had existed since 1988 and which is responsible for every single illegal act on behalf of animals ever committed in Austria. In August 2009 I was charged with section 278a of the Austrian Penal Code.

JS: What is the significance of Section 278a of the Austrian Penal Code?

MB: That section is a law on organised crime. It says that anybody is liable to criminal prosecution, who acts in any way which might support the aims of a criminal organisation, and who is aware that this is the case. This section is so therefore so vague that nigh any action could be considered criminal.

In our case, the prosecution argues:

- there is a criminal organisation in animal rights since there are illegal activities against the same targets even if by people unknown, and since communiques are being published
- this criminal organisation has animal rights aims, including a ban on battery eggs and an end of the trade in fur
- the accused knew about these illegal actions and hence knew that there is a criminal organisation with these aims
- they acted legally to support these aims, for example by running campaigns with the same aims

Hence the accused are guilty of section 278a.

JS: You were on a hunger strike in prison. Why did that happen and what was the outcome?

MB: When I was arrested, I was not really told what for. It was said that I am suspected of supporting, if not leading, a criminal organisation. But it was not said, why that should be. Later, I was given utterly ludicrous reasons, like because I am the spokesperson of our animal rights organisation, because I have organised animal rights conferences or because I have recruited activists. But it was not said why that makes me suspect of criminal activity. So I went on a hunger strike in protest. Eventually, I was on hunger strike for 39 days. I was fed artificially by the prison authorities but I was still getting weaker. When it came to a court appointment to demand an end to my stay in prison on remand, I was too weak to attend. So I started to feel that I wanted to defend myself and that made me give up the hunger strike after 39 days, at least a couple of weeks of which I was fed artificially.

JS: What has been the reaction of the media to this situation? I believe you have attracted international support for your case and that it is widely regarded as a travesty of justice. Who has spoken out in your defence and what have they said about the case?

MB: At first, the media reported somewhat sympathetically, but the police ministry did press releases with complete and utter lies, which were not questioned by the press. The longer the case is going on, the more sympathetic the press became. Today, there is almost exclusively sympathetic reporting. But what is missing is an uproar of outrage against this obvious injustice. It seems to me that this is either because media and the progressive left tends to see animal rights as a nuisance or because people just cannot believe that this massive police operation went on without any hint of a crime being committed by the accused, albeit this is the case. In summary, we are very dissatisfied with media as it stands, because without proper outrage, authorities will just grind this case on and find everybody guilty.

JS: The investigation seems to have involved extensive police resources and a very large budget. What kind of surveillance and tactics were used?

MB: The police used any method available and against a huge amount of people. In 2008 alone, according to a report to Parliament, against altogether 267 animal rights activists optical and/or acoustical observations have been done by police.

The special police unit listened to phones, read emails, monitored bank accounts, followed people 24 hours a day, put video traps on the entrances of a number of homes and offices, but tracking devices on cars for 6 months, put bugging devices in at least 2 offices, one public house and 3 private homes and put infiltrators into the 16 different animal rights groups under investigation.

JS: After all this effort by the police, what sort of evidence has been produced against you?

MB: The charge sheet of one of the accused reads as follows. He had

- an anti-hunting leaflet at home with subversive content
- invited Keith Mann [a prominent British animal rights activist] to give a talk
- gave a public talk on anti-fur campaigns
- let English and Dutch activists stay at his home
- was a paid campaigner for our group VGT

- developed strategies against hunting
- and helped organise animal liberation workshops to recruit activists for campaigning.

Actually, another activist, who had never been treated as a suspect by police, said she had done the very same things and indicted herself. The state prosecution answered that these points do not support a suspicion against her. But the very same points were enough to put another activist on trial!

The evidence against me is similar, but includes running email lists, using encryption software, organising animal rights conferences and having written radical emails - albeit more than 15 years ago.

JS: Are you facing criminal prosecution for what are, essentially, the normal and expected activities of a nongovernmental organization? Is this the criminalization of dissent?

MB: Yes, it is the criminalisation of dissent. However, if it comes to dissent alone, the authorities are happy to give you free speech to your heart's content. But if you are starting to have an effect on society, then things suddenly look very different.

In Austria, we had a lot of successes in the last years. We achieved a ban on fur farming, a ban on experiments on apes, a ban on battery farms (including so-called enriched ones), a ban on caging rabbits, a ban on wild animals in circuses and an end in the trade on battery eggs. Also, fur sales were reduced, animal solicitors were invented and Parliament agreed unanimously to get the protection of the life and wellbeing of animals into the constitution alongside human rights. This, apparently, went too far for certain powerful circles and they started this vendetta against the animal rights movement with the clear aim to crush it completely.

JS: Some believe that despite the lack of evidence, the outcome of the trial is a foregone conclusion and that the court is determined to find you guilty. Isn't there any public outcry against this obviously prejudiced situation?

MB: Observing what is going on in the trial, it seems that the judge is trying her best to keep police and the justice system from getting a bad name. There are so many scandals in this case, it is beyond belief. For example, the police have refused to show the accused the investigations files, as they are required [to do] by law. In February 2009, a judge found the police guilty of ignoring our rights to be informed on the evidence against us. The judge ordered police to comply. They did not. On 14th October 2010, police was again found guilty for the same reason. After 4 years of police investigations and 8 months of trial, we still have no access to the police evidence concerning us. The police hence broke the law in two respects: Firstly, for not giving us access to any information, and secondly, for withholding exonerating evidence.

Further, we have proof that police used infiltrators without having proper orders by a judge as required by law. Also, the police lied in court denying their use of infiltrators. Again, the reason being that these infiltrators just found that we were doing legal above-board activism and police just do not want that to be proven before the court.

There are a lot more scandals in this case. The police, for example, questioned a psychiatric care

patient without knowledge of her caretakers. The police listened to the phones of a judge and raided her home, who had found activists not guilty in 2007 for offences related to hunt sabbing. The police had ordered 3 times raids by tax inspectors of our offices in the last years, desperately trying to frame us for tax fraud, which did not work. Sadly, the public outcry is still amiss.

JS: Why did you and other animal activists become a target in this way? What are the implications of this trial for animal activism in Europe?

MB: We are targets, because we have found a way to actually change laws and the system our society is run by. The combination of relentless grassroots street campaigns together with a serious public voice and pragmatic demands is apparently scaring certain powerful interest groups. If they succeed in shutting us up, or locking us up, as the case may be - maximum prison sentence is 5 years if convicted - the implications might be huge. The message is that anybody, who manages to succeed with their campaigns, will be terrorised and might be locked up. In Austria, ALF type activity is very low and cannot by any standard be considered a reason for the police activity. The real reason, so much is clear, is our success. Hence, in the future you can either be ineffective but be allowed to use free speech, or you are effective and will be locked up.

Sorenson: Does this trial have broader implications beyond those for animal activists?

Balluch: On a broader scale one can see that the terrorist hype is being used to widen the set of tools available by police for investigations and to tighten anti-terrorist laws to such an extent that the basic rights disappear. We are well on the way to a police state. The further we are down that road, the harder it will be to return to democracy, because we will have lost our means to protest against political developments, which are detrimental to the quality of life in society.

Sorenson: What kind of support would be helpful internationally?

Balluch: Austria is a country which pays a lot of attention to its international reputation. Hence, I think it is very helpful, if groups in other countries support us with media work or protest actions at embassies or letter writing to politicians and such like. Apartheid in South Africa was stopped through international actions. We would very much appreciate that sort of help in our case as well!

Update – Spring 2011

1. We have just received good news about the trial. Could you give us a brief update on the outcome?

On 2nd May 2011, the judge gave her verdict. All 13 accused were found not-guilty in all respects. The verdict was not due to lack of proof, but the judge considered it proven that the accused were not guilty. After 14 months, 98 trial days and 126 witnesses, the judge abruptly stopped the trial without calling any witnesses of the defence. That

shows that she felt that there was no evidence of the charge, since there was no defence needed. In her 2 hours of giving the reasons for her verdict, she said that the two police spies planted inside VGT have convinced her that there was no criminal organisation. Instead, she said that the police have lied in court, that they have illegally investigated and that they have tried to cover that up! We have now filed a case against the police on the basis of this verdict.

2. What does this court decision mean for the future of the animal rights movement in Austria?

At the moment, the whole public is happy about the verdict and very supportive to the accused. We at VGT have received literally hundreds of phone calls and thousands of emails, congratulating us. Just after the verdict, I have spent 24 hours in a sow stall in the centre of Vienna and I had no second without someone congratulating me or showing their support. Also, the media are still reporting this as their number one story, all positive. I hope this is the moment to turn the tide against the move towards a police state, which could be seen worldwide since 9/11. Maybe it was more than symbolic, that Osama Bin Laden was killed the same day we were found not guilty. In Austria, the debate on reforms on anti-terror laws and permanent surveillance is now in full swing.

But also the animal rights movement will profit from the verdict. VGT and myself are really famous now, I cannot use the underground or the tram in Vienna without somebody talking to me about the trial. We will use this fame to further the goals of animal rights. But only the future will show whether that will have long term effects or whether that will have been a short-lived stardom. In any case, at least for the foreseeable future it will be hard for police to justify surveillance or direct investigations against animal activism in Austria.