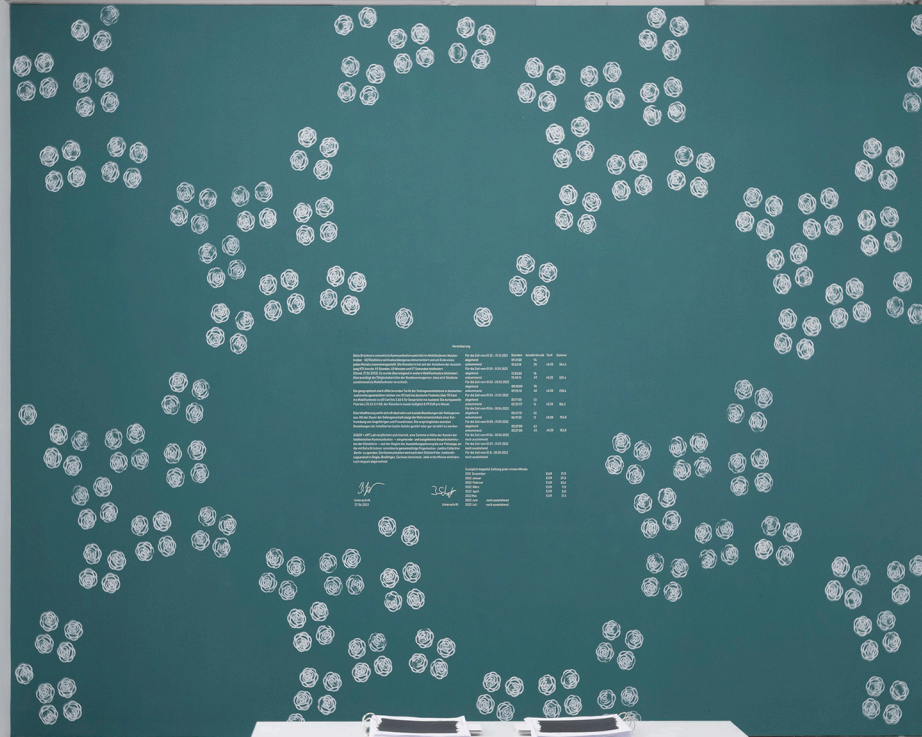


Belia Brückner

Eine intrigante Natur, scheinbar sinnlos arbeitend wie der Wind, nach fernen Fremden [Ver]trägen, in die man nie Einsicht bekommt



14.7. – 13.8.2022

Text: Juliane Duft

"Life is all about communication."

Telio

"In the automated state power resides less in control of the traditional symbols of wealth than in information."

John Kenneth Galbraith

It is hard to remember the uncomfortable conversations with one's parents about the expensive phone bill in the early 2000s after spending hours on the phone with friends as a teenager. In 2022, inmates in German correctional institutions get charged by the minute for their phone calls - comparable to the phone rates of about 15 years ago. In her exhibition at EIGEN + ART Lab, artist Belia Brückner (*1992) presents her ongoing Kafkaesque research on a globally operating, listed company that calls itself *Telio* in Germany.

Telio has a kind of monopoly on correctional institution telephony services bought externally by German correctional institutions.¹ The company controls the telephony of over 300,000 inmates² worldwide and buys up competitors like *Keas*. In Germany, there is only one much smaller, medium-sized competitor, *Gerdes*, and in some cases Telekom. Due to the right to resocialisation, which was enshrined by law in 1973, German correctional institutions are obliged to offer their inmates telephony at reasonable prices. It is also possible to use the institution's own infrastructure to provide telephony, as examples in Brandenburg and Saxony show.³ If the correctional institution outsource this task to private companies, they must, as public bodies, carry out a tender offer. In addition to network provision, correctional institution telephony includes hardware and software equipment with a limited number of telephone numbers, recording and monitoring of calls, as well as jamming - disrupting the use of black market mobile phones in correctional institution. Jamming is also in the service provider's own interest, so that only their offer is used. Inmates do not have a choice between providers, the correctional institution decides on the contractual partner. It is not uncommon for correctional facilities to conclude contracts with a term of 15 years. In the business model of the market leader *Telio*, there are no costs for the facilities; all costs are passed on to the inmates themselves.

"At *Telio*, we know the importance of finding the right balance between contact and control,"⁴ the company's website states. In platitudinous texts, it presents itself as a promoter of communication and thus of the resocialisation of inmates. However, it is generally known that private companies listed on the stock exchange work primarily for profit.

For her project, Brückner in the year 2020 requested the current telecommunications contracts from a correctional institution in Hamburg. State and municipal organisations and administrations alike are required by the Federal Freedom Information Act to release information about their operations upon request, with some exceptions. She submitted her request publicly via the *FragDenStaat.de* platform operated by the *Open Knowledge Foundation*. Queries launched via the platform can be transparently tracked in their

¹ *Telio* is currently the service provider for correctional facility telephony in 15 of 16 German Federal States. According to the ministries of justice, there are no providers other than *Telio* in ten of them. In Bavaria, according to the Bavarian Prison Act, telephone calls may only be permitted in "urgent cases" - at the discretion of the respective correctional institution. See Lennart Mühlenmeier, Gefängniskommunikation mit *Telio*: Ein Monopolist und wenige Alternativen, 25.12.2020, Netzpolitik.org: <https://netzpolitik.org/2020/gefaengniskommunikation-mit-telio-ein-monopolist-und-wenige-alternativen> (abgerufen am 22. Juni 2022).

² *Telio* corporate website, <https://tel.io> (retrieved on 22 June 2022).

³ Mühlenmeier 2020.

⁴ Self-presentation by *Telio*, <https://tel.io> (retrieved on 22 June 2022).

progress and responses.⁵ Due to another enquiry, *Telio*'s tariffs from 2018 have already been published; they were around 0.06 euros to 1.79 euros per minute. Because they received bills of well over 5,000 euros after three years of telephony in correctional facilities, some inmates who could afford it went to court over this after their release - with success. Maintaining social relations in a normal framework, keeping in touch with family and friends, becomes almost impossible with the usual limited income. However, it is widely known in research that social contact outside correctional facility walls is one of the crucial factors for the success of post-correctional facility resocialisation. After the 2018 release, *Telio* lowered the rates somewhat.

Brückner finally received *Telio*'s current contracts with Hamburg's correctional facilities from 2020, but they are blacked out in the important places (see the folders on the sidebar). Withheld from her are the preamble, the information about the number of free minutes now available, as well as the underlying original contract of the Hamburg correctional facilities with *Telio* from 2004. The reason given is commercial confidentiality: in the market for inmate telephony, *Telio* could be at a disadvantage in future tenders. "The interest of the company is opposed by your interest in information [...]," reads the last cover letter from data protection commissioner of Hamburg to Brückner dated 14 July 2021, and later: "The weighing of both opposing interests does not lead to a significant outweighing of the interest in information." With the help of *FragDenStaat.de*, Brückner then filed a lawsuit against the denial of information. The statement of claim by lawyer Theresia Rasche hangs framed in black on the gallery wall. The frames are as soft as the interpretation of laws - they are wrapped in black judge robes.

On the opposite wall, one can read in large print an agreement that Brückner made with the EIGEN + ART Lab for the exhibition. According to this agreement, Brückner will be making phone calls at the rate of a JSA in Saxony from the beginning of the exhibition preparations on 1 December 2021 until the end of the exhibition. EIGEN + ART Lab will transfer the resulting sum as a donation to the *Justice Collective*, from Berlin. *Justice Collective* is an international association of lawyers and experts. Its goal is: "To reveal how governments punish, including in ways that target people experiencing poverty and inequality, people of racialised groups, and people making a life for themselves in new places".⁶

Belia Brückner's research aims to make factual contradictions to social narratives visible. What Brückner's art has in common with Hans Haacke's practice is the strictly factual, dry reproduction of facts and found objects, whose accumulation in the art space, however, often develops an aesthetic, sometimes bizarre life of its own without her intervention. Further parallels are the interest in systems and in graphic designs. In an earlier work, for example, Brückner analysed the German centralized Abitur themes in art over the years. She categorised the artworks and artists covered according to gender, location, origin and ownership, among other things. She translated the results of her analysis into a more or less colourful graphic - strictly speaking, a uniform pattern emerged that only gradually changed along the time axis. In Brückner's current exhibition, the printed contract with the gallery is applied on top of an endless pattern. White roses on a dark green background - the logo of the *Justice Collective* - interlock in the form of circles. The roses are stamped, so they are all the same and yet somehow different. Brückner's artistic translations of her research results into graphics and repeating patterns are, on the one hand, in their regularity formal reflections of the systems she investigates. On the other hand, they also resemble psychedelic, partly absurd endless patterns. In the classical understanding, ornaments visualise power relations. At the beginning of the 20th century, they were forcibly emptied of their meaning by Adolf Loos, among others. Wilhelm Worringer considered ornamentation to be the oldest and "highest" form of art because of its abstraction from life, depicting the psychological state of a "people".⁷ It is also said time and again that one can recognise the state of a society by the way it treats inmates. Seemingly composed from the facts - like a dystopian counter-design to concrete painting - Brückner's visualisations emphasise the moment of impersonality, arbitrariness and the absurd paradoxes of social systems. Brückner often produces them by hand; their creation is concretely linked to her person and her physical and mental labour. The system thus

⁵ According to *FragDenStaat.de*, all information available from public bodies can be requested. Examples are: "contracts of a city with a company, expert opinions and studies prepared, the diaries of ministers, correspondence within a public authority, but also with outsiders such as lobbyists. A few passages and information are exempt from the underlying law, the Freedom of Information Act. The exceptions include: Trade and business secrets, secret services, personal information, ongoing court proceedings and information concerning internal security." <https://fragdenstaat.de/informationsfreiheit/einsteiger-guide> (retrieved on 27 June 2022).

⁶ Website *Justice Collective*, <https://www.justice-collective.org/en/about> (retrieved on 27 June 2022).

⁷ S. Wilhelm Worringer: *Abstraktion und Einfühlung. Ein Beitrag zur Stilpsychologie*, Munich 1908.

meets the personal on different levels, the small individual meets the big whole. There is also a single plastic rose folded out of paper in the room. It contains *Telio's* statement.

In Brückner's practice, art is subversive decorum and intervention directly in life. It is sensibility, perception, action and always part of power structures anyway. Accordingly, Brückner also involves, for example, the gallery as a contractual partner as a protagonist in her project. Brückner's art can be summarised with the Systems Aesthetics of the art theorist and curator Jack Burnham. "In the past our technologically-conceived artifacts structured living patterns. We are now in transition from an object-oriented to a systems-oriented culture. Here change, immanates, not from things, but from the way things are done", Burnham states in 1968.⁸ Following the computer technology that was spreading at the time and the systems theory of the biologist Ludwig von Bertalanffy, Burnham calls for looking not only at the individual objects in a system, but at their relationships to each other and thus at the system itself.⁹ For Burnham, neither autonomy nor a material end product of artistic creation is therefore necessary. Art should and must be avant-garde in the system of real life, which cannot be abandoned, as techné - action-oriented knowledge. Artists intervene directly and metaphorically in the construction and programming of reality by means of hardware and software. According to Burnham, art and life become one in a complex technicised world: "Progressively the need to make ultrasensitive judgements as to the uses of technology and scientific information becomes 'art' in the most literal sense."¹⁰

As of this writing (27 June 2022), Brückner's conversations have totalled €1,239.60 for *Justice Collective*. Belia Brückner and I spoke on the phone for a total of 02:05:13 minutes to prepare this text.

⁸ Jack Burnham: Systems Esthetics, in: Artforum September 1968, Vol. 7, No. 1, p. 30–35. Here: <https://www.artforum.com/print/196807/systems-esthetics-32466> (retrieved on 20 June 2022). Burnham's concept is very close to the contemporary movements such as Fluxus and the social sculpture of Joseph Beuys.

⁹ See Ludwig von Bertalanffy: Robots, Men and Minds. Psychology in the modern world, New York 1967.

¹⁰ Burnham 1968.

Vereinbarung

Bela Brückners monatliche Kommunikationsaktivität im Mobilfunknetz Netzbetreiber O2/Telefonica wird sekundengenau dokumentiert und am Ende eines jeden Monats zusammengestellt. Die Künstlerin hat seit der Annahme der Ausstellung 579 Anrufe, 93 Stunden, 45 Minuten und 57 Sekunden telefoniert (Stand: 27.06.2022). Es wurde überwiegend in andere Mobilfunknetze telefoniert. Dies bestätigt die Tätigkeitsberichte der Bundesnetzagentur, dass sich Telefonie zunehmend ins Mobilfunknetz verschiebt.

Die geographisch stark differierenden Tarife der Gefangenentelefonie in deutschen Justizvollzugsanstalten reichen von 10 Cent ins deutsche Festnetz über 70 Cent ins Mobilfunknetz zu 60 Cent bis 2,40 € für Gespräche ins Ausland. Die europaweite Flatrate LTE All 3+1 GB, der Künstlerin kostet lediglich 8,99 EUR pro Monat.

Eine Inhaftierung wirkt sich oft destruktiv auf soziale Beziehungen der Gefangenen aus. Mit der Dauer der Gefangenschaft steigt die Wahrscheinlichkeit einer Entfremdung von Angehörigen und Freund:innen. Die ursprünglichen sozialen Beziehungen der Inhaftierten laufen Gefahr gestört oder gar zerstört zu werden.

EIGEN + ART Lab verpflichtet sich hiermit, eine Summe in Höhe der Kosten der telefonischen Kommunikation – eingehende- und ausgehende Gesprächsminuten der Künstlerin – seit der Beginn der Ausstellungsplanung bis zur Finissage, an die mit Bela Brückner vereinbarte gemeinnützige Organisation *Justice Collective Berlin* zu spenden. Die Kommunikation wird nach dem Teliortarif der Justizvollzugsanstalt in Regis-Breitlingen, Sachsen berechnet. Jede erste Minute wird demnach doppelt abgerechnet.

Für die Zeit vom	Stunden	Anzahl Anrufe	Tarif	Summe
01.12.-31.12.2021				
abgehend	09:31:00	74		
ankommend	10:42:18	35	x0,20	264,4
Für die Zeit vom 01.01.-31.01.2022				
abgehend	13:55:00	96		
ankommend	10:48:16	49	x0,20	325,6
Für die Zeit vom 01.02.-28.02.2022				
abgehend	08:30:00	78		
ankommend	09:25:10	40	x0,20	238,6
Für die Zeit vom 01.03.-31.03.2022				
abgehend	05:17:00	33		
ankommend	02:35:57	16	x0,20	104,2
Für die Zeit vom 01.04.-30.04.2022				
abgehend	05:47:51	32		
ankommend	06:19:25	12	x0,20	154,0
Für die Zeit vom 01.05.-31.05.2022				
abgehend	05:29:00	63		
ankommend	05:27:00	45	x0,20	152,8

Zuzüglich doppelte Zahlung jeder ersten Minute	EUR	Summe
2021 Dezember	EUR	21,8
2022 Januar	EUR	29,0
2022 Februar	EUR	23,6
2022 März	EUR	9,8
2022 April	EUR	8,8
2022 Mai	EUR	21,6
2022 Juni	noch ausstehend	
2022 Juli	noch ausstehend	

Bp

Unterschrift
27.06.2022

JSB

Unterschrift





lexICT legal – Fritz-Reuter-Str. 30 – 30916 Isernhagen

per beA

An das
Verwaltungsgericht Hamburg
Lübeckertordamm 4
20099 Hamburg

12.11.2021
Az: 803-2021

In dem Verfahren

Brückner J. Freie und Hansestadt Hamburg
Az. 17 K 3541/21

nehme ich Bezug auf den Schriftsatz der Beklagten vom 07.10.2021, hier eingegangen am 15.10.2021, sowie vom 12.10.2021, hier eingegangen am 18.10.2021 und reiche hiermit die

Klagebegründung

nach.

Die Klage ist zulässig und begründet. Die streitgegenständlichen Bescheide vom 07.08.2020 in Gestalt des Widerspruchsbescheids vom 23.12.2020 sowie der Bescheid vom 17.05.2021 in Gestalt des Widerspruchsbescheides vom 14.07.2021 sind rechtswidrig und verletzen die Klägerin in ihren Rechten. Die Klägerin hat einen Anspruch auf Zugänglichmachung der begehrten Informationen.

I. Ergänzungen zum Sachverhalt

Bereits herausgegeben sind Teile von 4 Verträgen (Bl. 33-53).

- Vereinbarung von 2015
- Ergänzungsvereinbarung von 2017
- Nachtrag von 2018
- Nachtrag von 2020

Kreditinstitut: GLS Gemeinschaftsbank eG
IBAN: DE04 4306 0967 1247 7682 00 | BIC: GENODEM33GLS
PR 201360 (AG Hannover) | USt-IdNr.: DE345506665

JVA Zellhain	0,029	0,029	0,099	Festnetz: 0,029 Mobifunk: 0,099
JVA Zwickau	0,04	0,14	0,20	Festnetz: 0,19 – 0,29 Mobifunk: 0,49

Bei den Auslandsgesprächen variieren die Tarife je nach Empfängerland. Die tatsächlich anfallenden Kosten sind in einer den inhaftierten Personen bekannt gegebenen Tarifübersicht festgelegt.

Die gesamte Beantwortung der kleinen Anfrage ist beigefügt als

Anlage K11.

Hieraus wird ersichtlich, dass Tello Preise von um die 4 ct pro Minute für „Nahgespräche“ und bis zu 75 ct pro Minute für Auslandsgespräche erhebt. Diese nach Gesprächsminuten abgerechneten Preise entsprechen nicht den allgemeinen Lebensverhältnissen und nicht marktgerechten Preisen. Vielmehr erinnern sie an Tarife von vor 15 Jahren. Gerade für Gefangene, die möglicherweise Migrationsgeschichte oder ein geringes Einkommen haben, wird das Kontakthalten mit ihren Angehörigen erschwert.

Bei dem Unternehmen Tello handelt es sich nicht nur um den einzigen Anbieter von Gefängnistelefonie in der JVA Hahnöfersand. Folgende Länderübersicht zeigt, dass Tello in allen Bundesländern (mit Ausnahme von Bayern, wo es kein Recht auf Telefonie gibt) Gefängnistelefonie anbietet, in den meisten davon sogar als einziges Unternehmen.

Land	Ergebnis
Brandenburg	Tello, Telekom, über Anstalt
Berlin	Tello
Baden-Württemberg	Tello
Bayern	Kein Recht auf Telefonie
Bremen	Tello
Hessen	Tello, Gerdes und Telekom
Hamburg	Tello, Gerdes
Mecklenburg-Vorpommern	Tello
Niedersachsen	Tello
Nordrhein-Westfalen	Tello, Telekom
Rheinland-Pfalz	Tello
Schleswig-Holstein	Tello
Saarland	Tello
Sachsen	Tello, Gerdes, über Anstalt
Sachsen-Anhalt	Tello
Thüringen	Tello

(Quelle: <https://netzpolitik.org/2020/gefaengnistelefonie-mit-tello-ein-monopolist-und-wenige-alternativen/>)

Aus diesen Gründen ist es für die Zivilgesellschaft unverzichtbar, Kenntnis von den Tarifen zu haben, um auf einen möglicherweise stattfindenden Missbrauch aufmerksam zu machen, welcher durch die Monopolstellung von Tello und den faktischen Benutzungszwang durch die Strafgefangenen ermöglicht wird.

Anlage II.
Tarifentgeltbestimmung - TEB

Te'l'io

