



**GLOBAL  
NET**

**STOP  
THE  
ARMS  
TRADE**

**Case 02: G36 in Mexico  
Protocols for the observation of the trial**

## **Summary of the Protocols**

### **15.05.2018 – Heckler & Koch - Court Date 1: «Commercial and organized crime»**

Today's highlights include: a picket, excessive media presence, and the reading out of the charges. Six former Heckler und Koch employees are accused of committing commercial and organized crimes for violating the «German Foreign Trade & Payments Act». The strategy of the defence: Either the relevant authorities, the Mexicans or a deceased person is at fault.

### **17.05.2018 – Heckler & Koch Court Date 2: «Remove it and then things move forward. »**

End-user certificates are a useless measure in the export control. In the fear of the noose tightening around their own necks, the accused blame the approval authorities. It is again stated, what we have always known: the end-user certificates are never checked and the entire process is a useless exercise in export control.

### **05.06.2018 – Heckler & Koch Court Date 3: Regarding Unstable Countries**

The judge questioned the former HK-Executive Director Joachim M. and his former sales manager Wolfram M. The quote of the day came from the accused Joachim M.: «The German Foreign Office always had a list of unstable (risky) countries. Concerns about specific countries were brought forward and as a result, there would be a freeze on all export permits to those countries. Jordan was one of these countries. I can list many countries which the German Foreign Office put on their "Unstable" list and then 2 years later, under a different President or political constellation, this country would be removed from the list. »

### **07.06.2018 – Heckler & Koch Court Date 4: «Should Guerrero not be mentioned? »**

Heckler & Koch state that specific paperwork must be completed to secure a weapons permit. Steffen E. from the German Customs Investigation Bureau in Cologne (ZKA) presented his first witness. He was involved with the initial investigation against HK. His supervisor and lead investigator at the ZKA is scheduled to testify at the next court date on June 12th. Steffen E. put a lot of pressure on the HK employees and accused them not only of delivering weapons to non-approved states but also that they actively promoted such sales.

### **14.06.2018 – Heckler & Koch Court Date 5: The Judge doubts the completeness of the documents**

In the official documents given to the authorities, it appears certain pages are missing which led to the questioning of the former HK sales representative. The judge is questioning, why the official licensing documents show no evidence of conversations between the former HK

sales rep and the buyer. In the Ministry of Economic Affairs, it was noted that there was often confusion/ambiguity about the specifics of the license (ex. What was approvable and what was not.).

**19.06.2018 – Heckler & Koch Court Date 6: The Federal Foreign Office says they are not responsible.**

The Federal Foreign Office (FFO): There are also approvable/licensable receivers in other countries. The witness from the Foreign Affairs Department explained the protocol, that was then in place, has been updated to better enforce proper end-user usage. The new measures were meant to ensure that the purchasing group was in fact qualified to receive the weapons. According to the Ministry of Economic Affairs, Heckler & Koch were regularly updated about these new regulations.

**10.07.2018: Heckler & Koch – Court Date 7: A German Civil Servant in Economic Affairs**

«Gone is gone» is the slogan at the Ministry of Economic Affairs (MoEA). / The person in charge at the MoEA started with his clarification of his role at the MoEA. His Ministry is FOR economic growth and therefore «They have a vested interest in seeing manufacturers succeed [...] and to continue to economically survive/thrive. » He also reiterated the point that we have been stressing: Once weapons are exported, there are no further checks or controls (with respect to actual end-user usage). «Gone is gone. »

**12.07.2018: Heckler & Koch – Court Date 8: The Prosecution goes on the Offensive**

Breach of the German Foreign Trade and Payments Act and the deliberate export to other Mexican states is punishable. The first prosecutor brought detailed information into the legal realm and confronted the judge. He outlined the minimum charges applicable for commercial and organized crime against the German Foreign Trade & Payments Act. He then extensively explained how Heckler & Koch used an end-user certificate, which is a mandatory part of the export permit, but then still allowed the weapons to be shipped to a different state (not as stated in the end-user certificate). This action is punishable.

**26.07.2018: Heckler & Koch – Court Date 9: The Federal Office for Foreign Export Control (BAFA)**

Witness: Weapons are only allowed to be exported into specific Mexican states. The Foreign Export Control Office (BAFA) worked thoroughly with the Ministry of Economic Affairs and in their own licensing process (which differ to those of the Ministry of Economic Affairs) to clearly define that weapons were only allowed for shipment to specific Mexican states.

01.08.2018: Heckler & Koch – Court Date 10: The Excuses of the Accused  
An e-mail from 2006 proves that 420 G36-assault weapons were delivered to Chilpancingo/Guerrero. Obviously, in July 2006 Heckler &

Koch already delivered weapons to Guerrero in Mexico. Alleged poor geographical knowledge (the inability to read a map) was the witness's explanation for the mistake.

**16.08.2018: Heckler & Koch – Court Date 11: The Court Proceeding lasted only 30 minutes**

Court today was only 30 minutes long and only clarified formalities. The leading judge indicated his evaluation of the central questions in this case.

**03.09.2018: Heckler & Koch– Court Date 12: The Chief Witness testifies**

Eight years ago, Robert H. started this court case with his testimony. He does not wish to be a whistleblower. He worked for Heckler & Koch in training Mexican police forces with the G36 weapon. Certain Mexican states were not approved to receive the G36 but police forces, from these "unapproved" states, were trained. Robert H. told the judge that he is not against weapons but after he learned about what happened with the weapons in Mexico, the Massacre of the Students in Guerrero – he could not support or justify his actions.

**10.09.2018: Heckler & Koch – Court Date 13: The Fraudulent Procurement of Licences/Permits**

Suspensions are confirmed, but how does the US export ban on Colt assault weapons to Mexico affect this situation? The court finds possible indication, that Heckler & Koch withheld important information from the authorities to expedite the approval of a fraudulent license. Interestingly, in 2005 the US Export Regulation Authorities denied the arms manufacturer Colt export permits to Mexico. Unethical that the German authorities allowed permits.

**18.09.2018: Heckler & Koch – Court Date 14: Two Witnesses from the Federal Export Agency (BAFA)**

BAFA employees explain the «license/permit approval process» and the «supplementary license/permit approval process» and relate it to the alleged «fraudulent licenses». Little was learned today but the next court date should be interesting. The ruling judge disclosed specific details concerning the accused individuals. Until now, it was only speculation.

**20.09.2018: Heckler & Koch – Court Date 15: A smooth acquittal seems unlikely**

The present legal stance of the Court could be a turning point in this trial. At least two of the accused could be convicted on fraud charges for falsifying an export permit. The Court's position could be a turning point in this trial because the presiding judge reiterated that the export permit, from a legal perspective, was actually not limited to particular states in Mexico and therefore, Heckler & Koch did not breach the license.

### **26.09.2018: Heckler & Koch – Court Date 16: Revenue, Profit and Manager Bonuses**

Today was all about money. Were there official violations against the German Foreign Trade & Payments Act? Did any of the accused individuals personally profit from the alleged violations? And how would appropriate fines against Heckler & Koch be calculated in the event of a guilty verdict?

### **08.10.2018: Heckler & Koch - Court Date 17: The excuses of an accused**

About dubious internal investigations and pawn sacrifices / After the course of the trial so far, things could get tight, especially for the former sales manager Ingo S. He tried to present himself today as completely uninvolved and ignorant. The accusations against another defendant are apparently based primarily on a selective selection of e-mails - a selection that was carried out by KPMG's private auditors on behalf of Heckler & Koch.

### **16.10.2018: Heckler & Koch - Court Date 18: How expensive could it be for Heckler & Koch?**

If the defendants are convicted, a company fine is threatened. / Although the defendants in this trial are only individual former employees\* of Heckler & Koch and not the company itself, however, the company is also involved in the proceedings because it is threatened with a company fine if they are convicted. Today, the main question was how high this fine could be in the end.

### **23.10.2018: Heckler & Koch - Court Date 19: On the possible fine**

On this day of the trial, the question of how high a possible penalty for Heckler & Koch could be, if a conviction is reached, was once again the focus of attention.

### **06.11.2018: Heckler & Koch - Court Date 20: Missing e-mails**

Once again, the question arose as to the influence of KPMG, the consulting firm commissioned by Heckler & Koch, on the process. An e-mail, which is crucial to the charges against Marianne B., is only available in copy. The e-mails of a former defendant have almost disappeared completely.

### **15.11.2018: Heckler & Koch - Court Date 21: New files appear**

After half a year of negotiations, other important files suddenly turn up, apparently the investigating Customs Criminal Investigation Office has been sloppy here. The proceedings will drag on until January - at least.

### **29.11.2018: Heckler & Koch - Court Date 22: Chaos at Heckler & Koch**

In 2005, Heckler & Koch was apparently under enormous pressure to save its Mexico business. A managing director at the time resigned

because it was "getting riskier and riskier" what others at Heckler & Koch were presenting to the export control authorities behind his back.

**10.12.2018: Heckler & Koch - Court Date 23: <<We'll conquer Mexico without the fucking FX05!>>**

With this sentence ends a mail from an employee at Heckler & Koch / Sometimes they are just disgusting there. Apart from that, today there was again some talk about "How do I make an end-user certificate?"

**10.01.2019: Heckler & Koch - Court Date 24: The end is near**

Today the last witness was heard, and the pleadings will probably begin in January. The verdict is expected on February 21. Interesting detail today: It is said that almost 5000 G36 assault rifles were withdrawn from circulation in the critical states of Mexico.

**17.01.2019: Heckler & Koch - Court Date 25: The prosecution rests with the prosecution**

A possible fine for Heckler & Koch could be high. / The public prosecutor's office made it clear that it was still of the opinion that deliveries to certain states were not permitted. And the presiding judge hinted that a possible fine for Heckler & Koch could be quite high.

**24.01.2019: Heckler & Koch - Court Date 26: Plea of the public prosecutor**

Prison sentences and penalty payment in the millions requested / The public prosecutor's office demands prison sentences between 22 and 33 months - and 4.1 million penalty payment from the company Heckler & Koch. Even the former president of the regional court, Peter B., is threatened with a suspended prison sentence.

**31.01.2019: Heckler & Koch - Court Date 27: Nobody knew nothing**

The pleadings of the defence made clear how urgent it is that Germany finally also gets a corporate criminal law / The first three defence lawyers pleaded for acquittal today. The defendants had either only been recipients of orders or, as bosses, had not been concerned with details at all. A large part of the responsibility would lie with the licensing authorities. And the defence lawyer of the former president of the Regional Court tried to make legal finesses, which, however, missed the actual accusation by a hair's breadth.

**14.02.2019: Heckler & Koch - Court Date 28: 200.000€ and a creep**

The defendant Peter B., former president of the Regional Court, wallows in self-pity. The representative of the company Heckler & Koch finds a payment of a maximum of 200,000 appropriate. And none of the defendants considers it necessary to say a word of regret or commemoration for the victims in Mexico.

**21.02.2019: Heckler & Koch - Court Date 29: The verdict**

17 months for the clerk Marianne B. and 22 months for the former sales manager Ingo S. Of Heckler & Koch, the entire sales proceeds of 3.7 million euros will be confiscated. The three other defendants were acquitted.