



Appeal in the Heckler & Koch Case Before the Federal Court of Justice

In February, Germany's highest criminal court will hear the case of illegal arms exports to Mexico.

Freiburg, Stuttgart, Tübingen, December 20, 2020. The case of illegal arms exports to Mexico will end up before the German Federal Court of Justice (BGH) in Karlsruhe. On February 11, 2021, the appeal of Heckler und Koch (H&K), two convicted employees and the Stuttgart public prosecutor's office will be heard there in an oral hearing. "The fact that the BGH, Germany's highest criminal court, is dealing with the case against Heckler & Koch and passing a final verdict is another success for the peace and human rights movement," explained arms industry critic Jürgen Grässlin. "H&K has to bear responsibility for the illegal exports of around 4,500 assault rifles to Mexico City between 2006 and 2009 and the forwarding of the weapons to provinces of conflict coordinated by an H&K employee in the country. I expect the Federal Supreme Court to reject the company's appeal and recognize the legally binding nature of end-use declarations for arms exports," Grässlin continued.

In April 2010, Tübingen lawyer Holger Rothbauer filed criminal charges on behalf of peace activist Grässlin against H&K as well as managers of the arms company for violating the War Weapons Control Act and the Foreign Trade and Payments Act. Attorney Rothbauer also filed criminal charges against federal German arms export control authorities. In February 2019, the Stuttgart Regional Court had sentenced a former employee and an ex-employee of H&K to suspended sentences and the company itself to pay a fine of 3.7 million euros. Three former H&K managing directors were acquitted.

The Stuttgart Regional Court considered end-use declarations to be legally non-binding. The Kiel Regional Court took a completely different view in its ruling in spring 2019 against SIG Sauer for unlawful pistol exports to Colombia via the USA. In this case, the spokespersons of the "Action Outcry - Campaign to Stop the Arms Trade" campaign, Paul Russmann and Jürgen Grässlin, had filed charges.

"The hearing at the BGH is of fundamental importance for the entire German arms industry," says attorney Holger Rothbauer. "Now the question of how to deal with so-called end-use declarations and how seriously to adhere to the declarations in future arms exports will be put to the test. It would be a historic success if the court would confirm the export licensing practice of employing end-use declarations spanning six decades and at the same time calling them out as completely unsuitable means of arms export control."

Carola Hausotter from the German Human Rights Coordination Mexico emphasizes the importance that the trial against Heckler & Koch has for Mexico. "For the victims of German weapons, a consistent verdict would have a signaling effect. From their point of view, it would create justice and open up the chance for a legal reappraisal of the crimes in Mexico." In 2014, rifles from H&K were proven to have been used in the disappearance of 43 student teachers from Ayotzinapa. "No arms exports to Mexico should be approved because there is a risk that they will be used for or facilitate human rights abuses there," Hausotter emphasized. "We demand strengthened and systematic control mechanisms over the whereabouts and use of German arms exports by German authorities."

The BGH case bears the file number 3 StR 474/19. The hearing is public, so participation is possible in principle. Through the main hearing, the Federal Court of Justice will rule on its own authority. A judgment is expected in the first half of 2021.



Contact:

Attorney at law Holger Rothbauer, DEHR-Rechtsanwälte, Tübingen, +49-7071-1504949, anwaelte@dehr.eu

Jürgen Grässlin, Arms Information Centre (RIB e.V.), Action Outcry – Campaign to Stop the Arms Trade, Freiburg, +49-761-7678208 / +49-170-6113759, jg@rib-ev.de

Tobias Lambert, Deutsche Menschenrechtskoordination Mexiko, Stuttgart, 0157-71730893, lambert@mexiko-koordination.de