

## **Going after journalists but not arms dealers**

*Wolfgang Kaleck, 9 May 2016*

“Why does a prosecutor need five and a half years to bring charges against an arms company, but then go to great lengths to fast-track criminal proceedings against filmmakers?”, a fair question posed by the lawyer for weapons researcher and peace activist Jürgen Grässlin, who helped to uncover the illegal export of Heckler & Koch assault weapons to Mexico in the prize-winning documentary “Meister des Todes” (“Masters of Death”).

To mark World Press Freedom Day 2016, Reports without Borders last week highlighted the lamentable situation facing journalists in many countries. On a map showing press freedom around the world, Germany is one of the few states, along with Scandinavian countries, where the freedom of the press is ranked as good. This may be the case relative to countries like Afghanistan, Iraq, Russia and Mexico, where investigative journalists have to fear for their lives. In comparison with countries like Turkey or Hungary, the situation in Germany again seems pretty good. But Germany is not immune to the virus that is the repression of unwelcome reporters. Again and again efforts are made to intimidate journalists, in particular in areas of national security deemed particularly sensitive. This is clear from the treason investigations launched in connection with publication of secret government documents by the website netzpolitik.org last summer, or the less well known attempts to prosecute journalists from the Süddeutsche Zeitung in a similar case.

And now we have the Munich prosecution’s moves concerning the revelations on Heckler & Koch’s export practice. Launching investigations against the filmmakers seems absurd, to put it mildly. The prosecutors are applying the controversial Paragraph 353 d No.3 of the German Criminal Code, which criminalizes the publication of an indictment or other official documents of criminal proceedings. Using this much-criticized provision to go after research undertaken over many years – and done precisely to prompt prosecutors in Stuttgart to take action against Heckler & Koch – is nothing but a cheap attempt to intimidate honest journalists. The group under investigation in Munich conducted research that produced further allegations against the arms company. In Mexico they discovered that the Heckler & Koch assault weapons were delivered to and, surprise surprise, used by the corrupt and violent Mexican police forces. This, they said, was the case in the killing of the 43 students of Ayotzinapa in September 2014, the worst massacre in recent Mexican history. It comes as no surprise that the prosecution in Stuttgart has not followed up on these leads. As made all too clear by the Munich proceedings under Paragraph 353 d No.3, German prosecutors tend to go after politically inconvenient journalists rather than companies selling weapons.

P.S. In neighboring Luxemburg, which is also highly rated on the press freedom index, the “Lux Leaks” trial sees proceedings being brought not just against the whistleblowers Antoine del Tour and Raphaël Halet but also against journalist Edouard Perrin. They published documents showing the Luxembourg-based “tax optimization” scheme that results in

estimated tax income losses of 65 to 70 billion euro for other EU states. Across the continent people complain about the supposed strain imposed by refugees; meanwhile nothing is done to stop those who are actually causing serious and long term damage to our societies.