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German arms in Mexico: The case of the exportation of Heckler & Koch G-36 rifles to Mexico

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Summary

We present here the case of the illegal export of G36 rifles of the German company Heckler & Koch to Mexico from 2006 to 2008 and of the suspected acts of corruption in which German and Mexican authorities are involved. The text attempts to reconstruct a case which attracted little attention in the Mexican media, but had re-current impact in the German society, since this topic has been present time and again for 3 years in the headlines of newspapers, in t. v. programs and were cover stories of magazines. This text is also a call to the Mexican society to document and pursue those who profit from violence, whose traces can also be found outside Mexico.

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Resumen

A continuación se narra el caso de la exportación ilegal de fusiles G36 por parte de la empresa alemana Heckler & Koch a México entre 2006 y 2008 y los presuntos actos de corrupción por parte de las autoridades alemanas y mexicanas en aquella transacción. Es un intento por reconstruir un caso poco atendido en la opinión pública mexicana pero que ha ocupado en Alemania, repetidamente desde hace tres años, titulares de periódicos, programas de televisión y portadas de revistas. Por último, es un llamado a la sociedad civil mexicana a documentar y perseguir a los beneficiarios de la violencia cuyas pistas están también lejos del territorio nacional.

Zusammenfassung

Wir stellen im Folgenden den Fall einer illegalen Ausfuhr von G36-Sturmgewehren der deutschen Firma Heckler & Koch von 2006 bis 2008 nach Mexiko dar, sowie die damit zusammenhängende vermutliche Korruption von deutschen und mexikanischen Beamten. Es handelt sich hierbei um den Versuch, einen in der mexikanischen Öffentlichkeit kaum beachteten Fall zu rekonstruieren, der im Gegensatz dazu in den deutschen Medien seit 3 Jahren immer wieder in die Schlagzeilen von Zeitungen, in Fernsehsendungen und auf die Titelseiten von Zeitschriften gelangte. Nicht zuletzt geht es auch um einen Aufruf an die mexikanische Zivilgesellschaft, jene Fälle von Korruption zu dokumentieren und die betreffenden Personen im Auge zu behalten, die von der heutigen Gewalt profitieren, deren Spuren auch nach außerhalb von Mexiko führen.

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Editor's preface to the German and English editions

“Every weapon finds its war”¹

In October 2013 we opened our series *MvB Agenda* presenting our first research on German arms export to Mexico. Besides making available to the Spanish speaking community a general overview of the issue, Pérez Ricart's article documented for the first time a fundamental piece of the case, namely, discrepancies between official Mexican figures about the arms entering the country. He also drives our attention into dissonances and missing information within the German sources regarding this transaction. The salience of this finding is twofold. On the one hand, it helps to demystify that only the institutions of the American Atlantic side are incapable of controlling the use and destiny of its arsenals. No research should take for granted that the institutions of the old continent are transparent regarding arms leaving it leaves its borders. On the other hand, documenting existing inconsistencies contribute to a more abstract level for our understanding of the assumed dependency relations between legality and illegality in capital reproduction.

Studying specific trade transactions allows us to see the violence—capital-reproduction equation in motion. For this endeavor, leaving naïve conceptions on causality aside is important. Although German arms exports do not explain the violence in Mexico, they do help to understand the dependencies of violence in Mexico on actors and processes beyond the national territory. Thence, what is possible to assert is that the German arms industry does profit from the violence in Mexico, as from many other armed conflicts around the world. But not only, since in a broader sense, is German economy—the third world arms exporter—the beneficiary.

Since we closed the first stage of our inquiry, three articles that broaden our vision scope for the case have been published. The first one, published the 1st of December last year by the German newspaper TAZ, where Wolf-Dieter Vogel documented how easily arms change from hand to hand in conflict zones. Particularly, how G36 assault rifles ended up in the hands of self-defense groups from Tixtla, a small city in the province of Guerrero; when they assaulted the town hall where the local police safeguarded them after having used them for social contention. Summarizing: 1) there are arms in Guerrero, a Mexican federal state, where Heckler & Koch had export ban; 2) arms restricted for military use are utilized by local security forces against the population; 3) arms ended up in civil groups that defend themselves against organized crime and ultimately also from the State. The second article was published the 12th of December 2013 in the German weekly newspaper Die Zeit as part of a Dossier dedicated to Worldwide German arms exports and where Pérez Ricart also participated. In this article, the pen of Amrai Coen—the journalist that documented the case of Mexico—provides evidence about the permeability of the boundaries between different incumbent actors in arms trade. Coen makes her point by interviewing a former

General of the German armed forces, who was also former sales executive of the German company and is currently consultant of Mexican armed forces he declared how the very company trained the police of those states with G36 exportation bans. The third article—on Daniel Harrich’s documentary film „Waffen für die Welt“—was published just one day before closing this edition. In “Töten mit deutschem Patent” Vogel reports on one of the most interesting features of arms industrial complex, namely, technological transfers and another payment dissonance between SEDENA and Heckler und Koch that might involve the production of another assault rifle, the Mexican FX05, suspiciously similar to the G36.

Despite the contributions made by journalist investigations and parliamentary questioning merited by this case up to now, many questions still remain open: what is the proportion of the profit is attributable to the license trade for producing German arms outside Germany? To which legal frame are licensed arms production subject of? What is the role of technological transfer and cooperation agreements between governments? How does it work and which controls exist over the arms consumables trade? To what extent is the latter an outsourced sector? How to make the weaponry accounts more transparent? How to achieve a differentiated report in public accounts of other military equipment such as for surveillance and transportation? Beyond Heckler & Koch, what are the other incumbent actors that have historically shaped the arms export/import organizational field between both countries?

For Mexicans considerations in this regard are not minor. The case of the G36 in Mexico serves only as thread for understanding complex global entanglements. It allows us to decongest our analysis of the international players involved in the violence in Mexico from the “United States factor” and to place the contribution of internal factors in its right pace. As scholars, it allows us to understand the political and social costs of renouncing to the so called “big questions” in our intellectual work. It allows us also to reframe a de-colonial contribution to the contemporary critic to capitalism.

For the German civil society thoughts on this regard are neither unimportant. The critical sectors know well that it is a problem of public interest and one that concerns the social pact that keeps the German economy at the forefront of world economy. The role that groups of activists as the one of “Outcry – stop arms trade”² committed with the case have played is not a minor detail, but an example of a strong political society. The joint efforts of researchers and activists from both countries are necessary for continuing the inquiring on the corruption practices of German companies outside the country. With the translation of this work, we seek to contribute to the joint reflection on the violent dependencies implied in trade relations between our countries.

Berlin, February 4th 2014
Sabina Morales

¹ “Jede Waffe findet ihren Krieg” prays a banner in a pacific protest before the arms factory Heckler & Koch in Oberndorf (Vogel in the German newspaper TAZ 02.06.2013 “Visiting the arms dealers”)

Where do arms come from that do not come from the US?

71.3% of all arms inside Mexican territory come from the US. This means that they were either manufactured by US companies or produced in Mexico under US export licenses. Civil society efforts and journalistic research on arms trafficking have focused on this figure. But where do the remaining 29% of arms come from?

Answering this question is not an easy task. First, it is necessary to distinguish between arms entering Mexico legally – through requests made or approved by the Ministry of National Defense (SEDENA) in Mexico – and arms entering Mexico, by land or by sea, without a state permit. However, information about this latter group of arms is beyond our reach – its footprints are too hard to follow. It is easier to look at the group of arms not coming from the US but entering Mexico legally. The political consequences of doing so are also greater. Inquiring this type of arms is easier because they enter Mexico legally thanks to tripartite agreements between a producer company or foreign marketing company; the government of the country in which such company is based; and the Arms and Ammunition Commerce Board (DCAM) of SEDENA. This is the starting point of the research presented here.

In response to a request submitted to the Federal Institute for the Access to Information and Data Protection (IFAI) on February 2, 2008 SEDENA admitted to holding commercial agreements with 28 foreign companies for the acquisition of arms. According to its report, ten of these companies are based in the US, three in Spain, three in the Czech Republic, three in Italy, two in Belgium and two in Germany. The remaining companies are based in Brazil, Uruguay, Turkey, Israel and Canada. The two German companies importing small arms acknowledged in this document are: Carl Walther GmbH and Heckler & Koch GmbH.

The following pages will focus in only one of these two companies: Heckler & Koch, and on one of at least two commercial agreements between this company and SEDENA since 2006³. The commercial agreement in question states the direct sale of an undetermined number of arms by Heckler & Koch to SEDENA between 2006 and 2008. According to the information available in this document, between 8 000 to 10 000 HK-G36V, HK-G36KV and HK-G36C rifles were commercialized. We are dealing with a case of corruption involving both German and Mexican officials. In Germany, this case has received significant attention by journalists, researchers, political parties and the Stuttgart General

² "Aktion Aufschrei – Stoppt den Waffenhandel"

³ IFAI, request 0000700019311 for accessing information [SEDENA, 2011].

Attorney⁴, whereas in Mexico, the case has only led to the suspicious indifference of the political class. As we will see, this case involves several state agencies under Felipe Calderón's government, including the defense, foreign affairs and public security ministries. In this case, any traces of the arms vanish as they approach army warehouses. Specially, along with the “*Rápido y Furioso*” (Fast and Furious) operation, this case exhibits the complicity between Mexican authorities and foreign companies concerning violence in Mexico.

The story

The relationship between Heckler & Koch and SEDENA is long-standing. This company has been in touch with high commanding officials in the Mexican Army since the 1970s. The German company has supplied Mexican army warehouses regularly, including the sale of the production license of G3 rifles to José López Portillo's government in 1979⁵.

At the turn of the 21st century the German company launched a commercial offensive whose goal was to reactivate contacts that had grown weaker during the 1990s. The circumstances for achieving this goal were perfect. On one side of the Atlantic, Felipe Calderón's government had waged a “War against Drug Trafficking”. On the other side, Heckler & Koch had regained strength thanks to an increase in European capital, raising expectations regarding the company's economic upswing in the context of the internal conflicts of Third World nations. It is not surprising that Germany is the third largest arms exporter in the world⁶ and Heckler & Koch the most important exporter of small arms in Europe⁷.

In March 2006, Heckler & Koch re-launched its campaign in Mexico, sending at least six sales executives and representatives to this country. They were received by the director of DCAM, General officer Humberto Aguilar. During the visit, the company's representatives offered their products for the Mexican market. On the one hand, the newest G36 rifle (5.56x45mm) and, on the other, the “world's most lethal” automatic machine-gun: MP5. Mexican officials loved these products. Representatives of the Security Ministries in 27 out of 32 states, among others, attended these meetings and agreed to request the acquisition of G36 rifles⁸, its 850 shots per minute being too tempting. In Mexico, the purchase procedure is as follows. A state submits, with its own resources, a request to the DCAM. If the DCAM accepts the request, it negotiates the terms of the contract directly with the company and the distributors. This is how it occurred in this instance. Once DCAM requested the rifles, Heckler & Koch asked for a permit to the German Federal Government in order to agree to the terms of sale.

In Germany, the same sale process is far more complex. Companies interested in exporting weapons submit a request to the Federal Ministry of Economics and Technology

⁴ Or *Staatsanwaltschaft*.

⁵ Jürgen Grässlin, *Schwarzbuch Waffenhandel: Wie Deutschland Am Krieg Verdient* [“The Black Book of Arms Trade – How Germany Profits from War”] (München: Heyne, 2013), p. 442.

⁶ Stockholm International Peace Research Institute (SIPRI), *The SIPRI Military Expenditure Database 2013*, 2013.

⁷ Jürgen Grässlin, *Schwarzbuch Waffenhandel: Wie Deutschland Am Krieg Verdient*, p. 439.

(BMW⁹). This Ministry, along with the Federal Ministry of the Interior (BMI¹⁰) and the Federal Ministry of Defense (BMVg¹¹), certifies that such a request does not violate any of the minimum export regulations approved by the Federal Republic of Germany¹². Such regulations are framed in the guidelines established in 2008¹³ by the European Union. According to these guidelines, European Union member countries must deny an export license if “there is a clear risk that such military technology or equipment will be used for internal repression” and/or when the government of the country of final destination prolongs internal conflicts or takes advantage of existing tensions or conflicts for particular purposes¹⁴. The German government, moreover, must cancel all weapons export licenses if it considers— “based in a rigorous case study”—that such weapons pose the risk of regional instability or are a factor aggravating violence¹⁵. These three among the five formal criteria preventing equipment and military technology exports, should be enough to lead BMW¹⁶ to reject all arms export requests to Mexico submitted by German companies. Mexico’s political and social situations certainly fit the above mentioned criteria.

However, Heckler & Koch had everything on its side for this transaction. Its lobbyist to the German government, the former district judge Peter Beyerle, knew the loopholes that could help carry out Heckler & Koch’s operations in Mexico. The strategy consisted in convincing German authorities that the situation in Mexico was not as severe as newspapers claimed and that Calderón’s government was indeed waging a legitimate fight against drug trafficking – a war in which relations with illicit networks, corruption and leaks within the Army were unsubstantiated rumors. Beyerle’s lobbying and the German company’s yearly donations to the Christian Democratic Union of Germany (CDU)¹⁷ took effect. In the first half of 2006, the Federal Ministry of Economics and Technology (BMW¹⁶) granted Heckler & Koch an export permit, under the condition of excluding the Mexican states of Chihuahua, Jalisco, Chiapas and Guerrero from the permit. In other words, the BMW¹⁶ would approve the export permit as long as it was ensured that no weapons would be distributed to local or federal police forces in those states. The German company did not like this restriction, but accepted it – *It could have been worse!* The Federal Ministry granted the export permit with said restriction and weapons began to arrive in Mexico. Once there,

⁸ IFAI, request 0000700013811 for accessing information [SEDENA, 2011].

⁹ Bundesministerium für Wirtschaft und Technologie.

¹⁰ Bundesministerium des Innern.

¹¹ Bundesministerium der Verteidigung.

¹² Bundesregierung, *Politischen Grundsätze Der Bundesregierung Für Den Export von Kriegswaffen und Sonstigen Rüstungsgütern* [“The Federal Government’s Political Principles governing Arms Exports”], 2008.

¹³ Bundesregierung, *Gemeinsame Regeln Für Die Kontrolle Der Ausfuhr von Militärtechnologie Und Militärgütern* [“Common Rules Governing Control of Exports of Military Technology and Equipment”], 2008.

¹⁴ Ibid. “3. Criterion Three: Internal situation in the country of final destination, as a function of the existence of tensions or armed conflicts. Member States shall deny an export license for military technology or equipment which would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination”.

¹⁵ Bericht der Bundesregierung über ihre Exportpolitik für konventionelle Rüstungsgüter im Jahre 2012. Rüstungsexportbericht 2012. “[...] Bei jedem Antrag – wie etwa bei Ausfuhranträgen in Staaten des Maghreb und des Nahen/ Mittleren Ostens – prüft die Bundesregierung sehr gründlich vor dem Hintergrund der Lage in der Region und dem betroffenen Land u.a. die Bedeutung der beantragten Ausfuhren für die Aufrechterhaltung von Frieden, Sicherheit und Stabilität in der Region.”

¹⁶ Figures contradict expectations. In 2011, 17 586 requests for arms and military technology export were submitted in Germany. From these, 105 were rejected, accounting for 0.005% of all requests (2 of them directed to Mexico). Far from concerning about the final destination of military products, the German government does not stop the export of weaponry to conflict zones.

¹⁷ “Fragwürdige Parteispenden Vom Waffenhersteller” [Questionable party donations from arms manufacturers], Online Focus (December, 2011).

these weapons were distributed to 27 Mexican states, among them the restricted four. No one said a word.

In 2007, Heckler & Koch submitted another export permit. This time, the permit would allow them to export parts and consumables to Mexico. This transaction was worth almost 1.5 million Euros. The request included a permit for distribution within the entire territory. From the BMWi a question was raised: How could police forces in Chiapas, Jalisco, Chihuahua and Guerrero request—through SEDENA—parts and consumables if, according to the previous export permit, no weapons had arrived in these states? This was irrelevant. The company replied that it was all a misunderstanding and these four states would be indeed excluded from the new export permit. The request was rewritten, the permit was granted and the goods arrived. Rifles were primed and replenished, and the group of the company's sellers kept on traveling within Mexico promoting their weapons. It will go down in history (and in the German attorney general's record), all certificates granted by the government of Jalisco—one of the states banned from the permit—to local policemen for their participation on "Heckler & Koch demonstration of weaponry" carried out in the State Police Academy by the end of November 2008. Likewise the pictures of children trying out G36 rifles during a training in state of Puebla¹⁸.

Failing to make ends meet

According to SEDENA in the response given on March 15, 2011¹⁹ to a request submitted to the Federal Institute for the Access to Information and Data Protection (IFAI), DCAM acquired 9652 G36 Heckler & Koch rifles between 2006 and 2008. The following table contains the official information:

Acquisition of G36 Heckler & Koch rifles (2006-2008), according to the report submitted on March 15, 2011 in response to a request submitted to IFAI (Euros)

Model	Units	Cost per unit	Total cost of transaction
G36V + G36VK	8 674	1 319.51	11 445 429.74
G36C	978	1 667,51	1 630 824.78
Total	9 652		13 076 254.52

According to the response given on March 14, 2011²⁰ (a day before the submission of the previous request) to a different request for information submitted to the IFAI, SEDENA confirmed the import of the same type of rifles between 2006 and 2008, but with different figures:

¹⁸ Grässlin, Schwarzbuch Waffen Handel: Wie Deutschland Am Krieg Verdient, 450–451.

¹⁹ IFAI, request 0000700013811 for accessing information [SEDENA, 2011].

²⁰ IFAI, request 0000700019311 for accessing information [SEDENA, 2011].

Acquisition of G36 Heckler & Koch rifles (2006-2008), according to the report submitted on March 14, 2011 in response to a request submitted to IFAI

Model	Unit	Cost per unit	Total cost of transaction
G36V	6 647	No information available	
G36VK	2 424		
[G36V + G36VK]	[9 071]		
G36C1	1 011		

This way, while one report indicates the purchase of 9 652 rifles, the other – provided within only one day of difference – states the purchase of 10 082 rifles. SEDENA's responses correspond to the same transactions, to same contract numbers and same references, but contain 430 fewer rifles. It is not necessary to point out what this difference means in a country such as Mexico. However, if Mexican figures are contradictory, German figures are alarming.

According to the figures published every year in official reports on military equipment export²¹, over five fiscal years, from 2003 and 2008²², Mexico was granted the merchandising permit for the following G36 rifles:

G36 Heckler & Koch rifles per sale permit, according to official reports by the German government. Total value: 7 738 532 Euros

Fiscal year in which the sale permit was granted	Number of rifles
2003	24
2004	35
2005	18
2006	2 025
2007	6 667
Total	8 769

These figures indicate 1 313 rifles fewer than those reported by SEDENA in its report of March 14, 2011 in response to a request for information submitted to IFAI. These also indicate 885 fewer than those in SEDENA's March 15, 2011 report. Why is there a difference in costs? Why is there a difference in the number of arms exported? Where are the remaining/missing arms?

This is not the end of the story. In December 2009, after exposing some of the discrepancies in numbers, Paul Schäfer – deputy for the German party *Die Linke*²³ –

²¹ “Berichte der Bundesregierung über ihre Exportpolitik für konventionelle Rüstungsgüter” [Report by the Government of the Federal Republic of Germany on Its Policy on Exports of Conventional Military Equipment].

²² The report accounted a total of 8 769 rifles over five fiscal years, from 2003 to 2008. In the table, years indicate the dates in which the terms of sale were set, according to the same inform.

²³ “The left”.

submitted to the Bundesregierung²⁴ a request for information. The reply to this request, signed by the Secretary of State of the Ministry of Economy at that time, Dr. Bernd Pfaffenbach, contains the following figures from 2006 to 2008²⁵:

Permits for exports to Mexico, according to the response given to Paul Schäfer's request to the German government in 2009

Year	Number of rifles G36 [V, VK and C1]
2006	5
2007	6 667
2008	1 393
Total	8 065

Even when transactions from 2003 to 2005 are not shown in this table, the number of exported rifles allowed during the triennium from 2006 to 2008, is different from the one shown in the yearbooks of exports. It is normal to find a difference in numbers between years – since these can refer to the date of issue of license or to the date in which the terms of sale were set – but it is not normal for absolute numbers not to match. This way, we find four official numbers associated with the same operation: two from SEDENA, one obtained from the yearly reports by the German Ministry of Economy and one obtained from a request to the same Ministry. All figures show discrepancies, including the German figures. Neither SEDENA nor the Bundesregierung have proposed the publication of details about the transactions between State Ministries and the DCAM²⁶, nor between the DCAM and Heckler & Koch²⁷. And it does not seem that they will do so, since “national security reasons” forbid it.

But the questions remain: Is the German government lying in its acknowledgment of export permits for a smaller number of weapons? Has the company supplied more weapons than it reported in the permit requests submitted to the Ministry of Economy? Has SEDENA received fewer weapons but reported having more? Or has it overestimated the cost of the weapons it requested? Or has it received more weapons and distributed fewer of these, keeping the remaining difference in cash? All of these seem feasible answers—and not mutually exclusive. Particularly for blurry business transaction that actors seems uninterested to clarify.

Arms in Mexico

The only publicly available information about how arms were distributed in Mexico was obtained thanks to the previously mentioned request for information submitted to IFAI to which a response was granted on March 15, 2011. This document admits the import of 9653 G36 rifles. According to this information, DCAM distributed the merchandise to State

²⁴ The Cabinet of Germany.

²⁵ Bundestag –17th electoral term, “Response of the federal government, printed matter 17/302” [Antwort Der Bundesregierung Drucksache 17/302], December 11 to 13, 2009.

²⁶ IFAI, request 0000700013811 for accessing information [SEDENA, 2011].

²⁷ Bundestag –17th electoral term, “Response of the federal government, printed matter 17/6432”, July 5, 2011.

Police forces and to the “*Procuradurías*” (Public Attorneys) as shown in the following table. Arms, as mentioned before, should not have arrived to the states of Chihuahua, Chiapas, Jalisco and Guerrero. However, three of these states had the largest inflow of rifles – 4 796, or 49.7% of imported rifles –, that is, nearly half of them.

As explained before, once Heckler & Koch’s transactions – with its specified exports limitations – were completed, the shipping arrived in DCAM's warehouses. As part of the procedure, DCAM and the General Directorate for Federal Registry of Firearms and Control of Explosives²⁸ are in charge of distributing guns and ammunition to all barracks and battalions, federal and local police forces, private security services or citizens that fulfill the necessary requirements to have arms. However, this operation had a particular level of complexity: the contract signed with Heckler & Koch prohibited the distribution of arms to the states of Chihuahua, Chiapas, Jalisco and Guerrero.

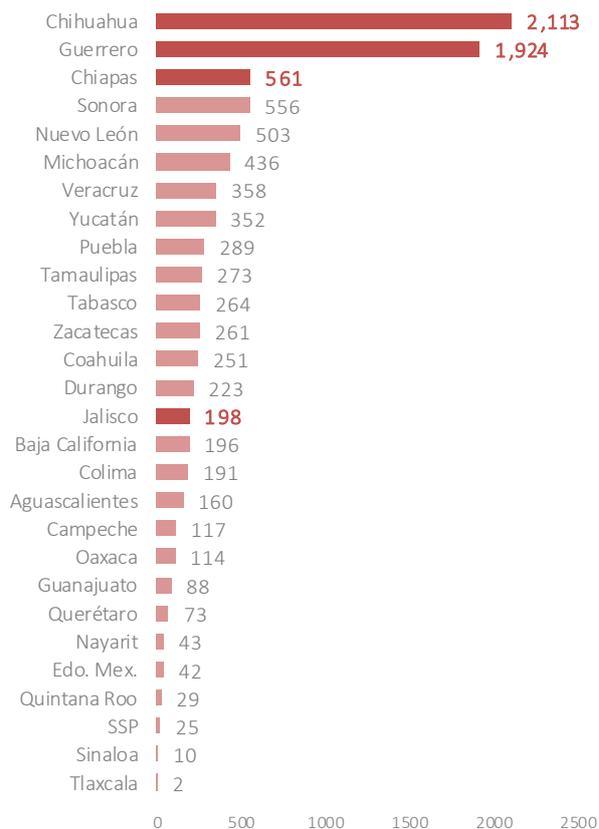
Yet, how to miss the chance of selling almost half of the rifles to these states? Due to a lawsuit filed in the Stuttgart's attorney general we can formulate a hypothesis to explain what happened²⁹. According to the indictment of this German attorney, Heckler & Koch would had bid General officer Humberto Aguilar 25 dollars per HK G36 distributed to any of those four states. This money would have been paid in cash, per regular mail through a company's messenger³⁰.

Fusiles G36 por entidad federativa según solicitud del 15 de marzo de 2011

²⁸ *Dirección General del Registro Federal de Armas de Fuego y Control de Explosivos.*

²⁹ See the legal lawsuit (*Versoßes gegen das Außenwirtschaftsgesetzes, das Kriegswaffenkontrollgesetz, sowie aller anderer in Betracht kommender Straft und Ordnungswidrigkeitvorschriften*) by Jurgen Grässlin y Holger Rothbauer fechada el 19 de abril de 2010.

³⁰ Jürgen Grässlin, *Schwarzbuch Waffenhandel: Wie Deutschland Am Krieg Verdient* (München: Heyne, 2013), p. 459.



Unveiling the transaction

On August 14, 2010, *Der Spiegel* published a first report regarding Heckler & Koch's sales in Mexico. On December 13, 2010 Report Mainz³¹ informed via television that two journalists filmed state policemen in possession of HK G36 rifles in Chihuahua, suspicious against illegal sales of German weaponry to Mexico. The question asked in this TV show found echo throughout Germany: What is the role of German companies in violence in Mexico?

After this TV show, the arms scandal began. On December 21, 2010 20 policemen from Stuttgart's general attorney's office visited Heckler & Koch's facilities and gathered all documents that could help reconstruct this case. During these weeks ca. 50 German newspapers followed the case³². By contrast, Mexico gave almost no coverage to this. Only a few national news outlets made note of it. No politician made any statement about it. What of the Mexican embassy in Berlin?

On November 2011, 300 policeman searched Heckler & Koch's facilities, high executives' houses and a factory in Oberndorf – many more than the first search involving only 20 police officers. They were looking for any sort of information that could shed light on this case. During a second search, they found documents proving the direct connection

³¹ „Waffenlieferungen von Heckler und Koch nach Mexiko eingestellt“ Report Mainz (December 2010).

Available at: http://www.youtube.com/watch?v=jG04eJ2Y_Mc

³² Ibid., 468.

between H&K's central office and state police forces of Chihuahua, Guerrero and Jalisco³³.

Few people paid attention to German journalist Wolf-Dieter Vogel when he suggested that HK G36 rifles had been used in the murder of two students at a rural school in Ayotztinapa's: Alexis Herrera Pino and Gabriel Echeverría de Jesús. They were murdered in Chilpancingo by Guerrero's Federal Ministerial Police in December 2011³⁴. In December 2012—in Guerrero again—three civilians were wounded by HK G36 bullets. We can find several reports covering this topic after that date. This is a topic that no one should leave unnoticed. On April 27, 2010 the Secretariat of the Navy decommissioned fifteen kilos of marihuana, five HK-G36 rifles, 10 magazines and 320 cartridges in Acapulco, Guerrero. On April 23, 2011 soldiers decommissioned another HK-G36 rifle in Tijuana. The same year, a picture – supposedly taken in 2009 – came to light that showed a she leader of the youth group of the PAN (National Action, a Mexican political party) carrying a HK-G36 rifle. According to the German and Mexican governments, there are no more HK-G36 export cases, other than the ones mentioned in this article. But if this is true, how did these rifles come into the hands of criminal groups? Are the decommissioned weapons part of the missing/extra weapons mentioned in the reports mentioned above? Did these weapons arrive to Mexico by other means or contracts? Is Heckler & Koch exporting rifles illegally?

These kind of situations are not novel in Heckler & Koch's record. Some members of the Georgian Army used HK-G36 rifles during the war with Russia in 2008, even when all export permits were forbidden to the German company in 2006³⁵. We also remember Salif Ai-Islam Gaddafi walking around Tripoli's streets with a HK G36 on his back, despite Germany's embargo³⁶. This is not exceptional or new for Heckler & Koch. This is terrifying.

Once the scandal exploded, neither Mexico nor Germany accepted its responsibility. Heckler & Koch claims that, once weapons enter Mexico, they are no longer responsible for any problem during the distribution process. On the other hand, SEDENA frames its discourse in the terms of national sovereignty and claims to adhere to the Mexican Constitution when deciding to whom arms will be distributed. There were no consequences. In March, 2009 General officer Humberto Aguilar, Director of DCAM at the time, was named Under Secretary of Defense.

We should notice that this case is still being investigated in Germany, whereas no investigation has been initiated in Mexico. In April, 2013 Stuttgart's general attorney confirmed what everyone suspected since 2010 – HK G36 rifles had made their way to the four Mexican states and Heckler & Koch knew and supported it. In an attempt to control the damage, Heckler & Koch accepted the attorney's decision and committed to start an internal investigation. This investigation led to two mid-level employees being fired. According to the company, they had performed these illegal acts without informing H&K executives³⁷. So read the simple explanation given by the main world's small arms exporter, the one that has manufactured 15 million of all weapons in the world³⁸.

³³ Ibid., 478.

³⁴ Wolf-Dieter Vogel, "Tote in Mexiko, Profite in Oberndorf", *Taz.de Tageszeitung*, March 23, 2012.

³⁵ Varinia Bernau, "Deutsche Waffen in Georgien: Immenser Politischer Sprengstoff", *Süddeutsche Zeitung*, May 17, 2010.

³⁶ Deutsche Welle, "Arms Exports Show Apparent Hypocrisy of German Foreign Policy", April 2011, <http://www.dw.de/arms-exports-show-apparent-hypocrisy-of-german-foreign-policy/a-15014836-1>.

³⁷ Heckler & Koch, "Mitteilung Der Geschäftsleitung," April, 2013.

³⁸ Grässlin, *Schwarzbuch Waffen Handel: Wie Deutschland Am Krieg Verdient*, p. 413.

Final Remarks

The situation described here involves at least two different areas during Felipe Calderón's presidency: the Defense Ministry (SEDENA) and the Foreign Affairs Ministry. The former because it was in this secretary where the corruption case thrived. The latter because no single claim was made about the topic, neither through its Europe Department nor through its Embassy in Berlin. On the other hand, the Ministry for Public Security has neither denied nor accepted in its response to the IFAI, that a distribution of weapons occurred according to the terms agreed by SEDENA.

For the German government responsibilities remain. Why did its embassy in Mexico not react on time? It is hard to believe that they were not aware of this operation, their boundaries and the re-distribution of weapons in Chihuahua, Guerrero, Jalisco and Chiapas. Why did they want to protect this agreement?

In addition, the decision taken by the Federal Office of Economics and Export Control³⁹--a part of the German Ministry of Economics is shameful in its prohibition of weapons export which concerns only four Mexican states, and allowing it to the rest. What are the criteria for prohibiting exports to Jalisco but granting sales in the states of Sinaloa, Tamaulipas or Michoacán? However seen, partial prohibition appears to be an arbitrary decision. Is it reasonable to think that exported weapons – sometimes delivered to the Mexican Secretariat of Public Security (SSP) – will not cross internal state borders? Is the social situation between any two Mexican states radically different? It takes a lot of naiveté – or of complicity – to give affirmative replies to these questions. Is Veracruz's police better prepared than Chihuahua's? Are there fewer *moles* in Puebla's police force than in Chiapas'?

On the other hand, the agreement between Heckler & Koch and SEDENA uncovers the Mexican government's *modus operandi* for the importing of weapons.

According to international organizations that estimate the degree of militarization degree in every country around the world, Mexico has a low military expenditure⁴⁰. Regarding this, SEDENA is deceiving everyone. While international organizations base their indexes on governmental information, SEDENA does not acknowledge these imports, considering them as “orders placed by federal entities”. Thus, if we look at SIPRI's records, there is no evidence that SEDENA and Heckler & Koch ever had an imports agreement, since this transaction was never part of the Defense Ministry's budget. There is no mention and no record of it, it was not seen. Legal trickery can make anything possible. State governments were responsible for these transactions, neither SEDENA nor the Secretariat of the Navy. State police forces were responsible for the acquisition of weapons – military weapons that should not be used by civilian security police. In 2011, in response to an inquiry, SEDENA

39 Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA).

40 According to several studies by the Stockholm International Peace Research Institute (SIPRI) and to the Global Militarization Index (GMI), developed by the Bonn International Center for Conversion (BICC).

declared that the arms purchase requests submitted by federal states were classified information and that therefore no copy of these could be provided. Choose your favorite term: political maze, administrative entanglement, or bureaucratic mess.

The open questions are: How much responsibility did General officer Humberto Aguilar have, regarding the arms redistribution? Why do operation figures not match? Why are people suspected of belonging to criminal groups appearing on photographs in possession of HK-G36 rifles? Why does SEDENA not inform about these weapons transfers to military expenditure international indicators? The worst: How many similar cases do occur – with absolute lack of transparency – in Mexico every day? Why are no institutions of justice interested in this case? Why has the Mexican embassy in Berlin said nothing about it?

On the German side, the questions are different but just as severe: Why were Heckler & Koch sales permits in Mexico endorsed after 2006? What is the relationship between the German party, CDU and this company? Why did it take to the German General Attorney almost a year to reply to Grässlin and Rothbauer's inquiry?

In these pages we have only addressed a portion of a phenomenon yet to be unraveled. It is a piece of a larger puzzle, which reconstruction can tell us more about arms import to Mexico – and even more about the way global economy works and the contradictions in foreign policy of some European countries. These two topics, though different, when combined they explain the relationship between centers and peripheries. On the one hand, in terms of domestic policy, there are corrupted players, hierarchical institutions and authoritarian logics. On the other hand, in terms of foreign policy, European countries that, with the left hand fund human rights organizations and with the right hand legitimize, allow and promote criminal activities that emphasize inequalities and perpetuate dependencies. Our critique should look at the two sides of this coin, a dialectic relationship resulting in people dying, day in and day out, in the streets of Mexico.

References

- Bernau, Varinia. "Deutsche Waffen in Georgien: Immenser Politischer Sprengstoff." *Süddeutsche Zeitung*, May 17, 2010.
- Bundesregierung. *Gemeinsame Regeln Für Die Kontrolle Der Ausfuhr von Militärtechnologie Und Militärgütern*, 2008.
- . *Politischen Grundsätze Der Bundesregierung Für Den Export von Kriegswaffen Und Sonstigen Rüstungsgütern*, 2008.
- Deutsche Welle. "Arms Exports Show Apparent Hypocrisy of German Foreign Policy," abril 2011. <http://www.dw.de/arms-exports-show-apparent-hypocrisy-of-german-foreign-policy/a-15014836-1>.
- Deutscher Bundestag – 17. Wahlperiode. "Antwort Der Bundesregierung Drucksache 17/6432," July 5, 2011.
- . "Drucksache 17/302," diciembre 2009.
- "Fragwürdige Parteispenden Vom Waffenhersteller." *Online Focus* (diciembre 2011).
- Grässlin, Jürgen. *Schwarzbuch Waffen Handel: Wie Deutschland Am Krieg Verdient*. München: Heyne, 2013.

Heckler & Koch. "Mitteilung Der Geschäftsleitung," abril 2013.

IFAI. *Solicitud de Acceso a La Información 0000700013811 [SEDNA]*, 2011.

———. *Solicitud de Acceso a La Información 0000700019311 [SEDNA]*, 2011.

Stockholm International Peace Research Institute (SIPRI). *The SIPRI Military Expenditure Database 2013*, 2013.

Vogel, Wolf-Dieter. "Tote in Mexiko, Profite in Oberndorf." *Taz.die Tageszeitung*, March 23, 2012.

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