Meeting of Governmental Experts on the International Tracing Instrument

Statement by Germany on Tracing

Mr. Chairman,

I’m an expert member of the German delegation from the German Federal Criminal Police Office (Bundeskriminalamt), Division for Serious and Organized Crime, section SO 11, that deals with crime connected with weapons and explosives.

Regarding the implementation of the ITI, we have two points of contact in Germany:

On the political level, the Federal Foreign Office (Auswärtiges Amt) as the contact point for other states on general matters, and, on the operational level, the Federal Criminal Police Office (Bundeskriminalamt) as the national contact point for the international exchange of information in criminal matters. It is also the national “Expert Contact Point” for the implementation of the UN Firearms Protocol.

The Federal Criminal Police Office houses the National Central Bureau for the International Criminal Police Organization (ICPO) that is known throughout the world as “Interpol” and is also the national contact point for the European Police Office (Europol).

Let me say a few words about our internal organisation:

In the international context all information concerning crime connected with weapons and explosives runs through section SO 11. This includes all incoming and outgoing tracing requests and their incoming and outgoing results.

Our unit has experience in tracing weapons in the international context since this instrument is in use. We have organized our work so as to be able to check whether the request or the answer is in conformity with our legal guidelines.

For us as a police agency the limits for cooperation with foreign partners – also in cases of tracing – are set by national legislation, agreements under international law, UN human rights legislation and, for cooperation via Interpol, the Interpol Constitution.
We first check whether requests include all the data necessary for subsequent steps to ensure the basic requirements for a successful tracing process are met. These include minimum standards for the description of a weapon and its marks, as we have discussed in recent days, but also additional information regarding the case or the circumstances in which the weapon was seized or found.

In this context you should know:
In Germany we are confronted with several specific features and limitations:
Firstly, handguns of the former German “Wehrmacht”: Seized handguns which are recognized beyond doubt as duty weapons of the former German “Wehrmacht” should not be subjected to tracing with respect to the chain of possession, because sales documents dating back to the period before 1945 were lost as a result of the war.
Secondly, we also have limitations regarding weapons that were produced in the former German Democratic Republic because of the very limited availability of data.

In order to respond to a request, we check all our registers to get further information and if necessary we send the request to the responsible state criminal police office to contact the manufacturer. The whole process is registered and controlled.

The way we work gives us a good overview of developments in this field, and if we see a specific need to analyse or to start investigations into data we get or got during the tracing process, we will do so.

Cooperation with manufacturers is good; they are willing to co-operate.

Some examples of lessons learned:
A few months ago we got a tracing request regarding an assault rifle produced by Heckler & Koch, model G3. We contacted the manufacturer and were informed that the weapon was delivered 30 years ago to the armed forces of the country that made the request.
This shows the need to mark and register the weapon at national level and to check national registers before starting an international tracing request.

In another case the specific marking of a pistol allegedly produced by the German manufacturer Walther raised our suspicions. The weapon was brought to Germany and examined by our forensic division. It was a
brand new weapon with a polymer frame that was marked with all the markings which are normally necessary to identify and trace a weapon. We finally learned that the weapon was produced by a foreign manufacturer, who could be identified, and that this manufacturer had illegally used the trademark of the manufacturer Walther. We informed the police in the country where this manufacturer lives. Their investigations revealed that he had falsified the trademarks of other well-known manufacturers as well. Investigations are still ongoing. This is an example of how a tracing process can fail even if you believe you have all the relevant data for your request. It also shows that you need a specific knowledge to identify weapons.

In summary I can say that international cooperation with our partners in the field of tracing weapons is quite good.

Finally, an example of our regional cooperation within the European Union:
As a member of the European Firearms Experts we developed together with our European partners the manual – Traces on the ownership of firearms – that is a handbook for a systematic tracking of firearms. This manual focuses on the legal situation in the European Union and on the tracing procedure. It sets the minimum tracing standards with respect to case-related information and technical firearm details. In this context the information exchange is formalized to ensure that all relevant information is available.

Thank you.