



PRESS RELEASE

FinFisher: No investigation into German-British software company

Public Prosecutor in Munich disregards evidence of illegal surveillance, human rights situation in Bahrain and applicable German law

Berlin, 12 December 2014 – Public prosecution authorities in Munich have decided not to launch investigatory proceedings against employees of German-British firm Gamma International. The European Center for Constitutional and Human Rights (ECCHR) and the British organization Privacy International [submitted a criminal complaint](#) on 16 October 2014 calling for an investigation. The organizations have evidence to suggest that Bahraini authorities used a Gamma Trojan called FinFisher to unlawfully spy on oppositionists living in Germany and elsewhere. ECCHR will lodge an objection to the prosecution authorities' decision.

“The prosecution’s argument does not stand up to legal scrutiny,” says Miriam Saage-Maaß, Vice Legal Director at ECCHR. “If the authorities find the information from the Wikileaks files to be insufficient then they must conduct their own investigations!” Furthermore, the prosecution authorities have failed to take into account the [situation in Bahrain](#). Human rights activists in Bahrain are subject to systematic surveillance, persecution and detention and repeatedly subjected to torture. “In view of the reality of surveillance in Bahrain it is absurd to claim that state authorities are not in a position to engage in hacking and violate Section 202 of the German Criminal Code prohibiting data espionage,” says Saage-Maaß.

And that’s not all: “The prosecution authorities in Munich are ignoring the current legal situation in Germany,” according to Saage-Maaß. Even the German Federal Bureau of Investigation refrained until at least 2012 from using a version of the Gamma Trojan as the software breached the “standardized terms of reference” of the German government and thus violated minimum constitutional standards.

Gamma developed and produced the surveillance software in question. ECCHR has access to data from 77 computers suggesting that Gamma not only supplied the software to Bahrain but also provided technical assistance for the use of the software from within Germany.

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