

Background information on the criminal case:

First drug charge

The accusation of aggravated drug dealing was first made in June of 2019¹ by Sascha Wandl, a former business associate who had parted ways with Hessenthaler on bad terms. Additional witnesses, who refuted Wandl's testimony on drug dealing, were interrogated about this accusation by investigators only some six to twelve months later.² The European Arrest Warrant³ was issued in May of 2020 and led to Julian Hessenthaler's arrest in December of 2020. This charge was dropped only in May 2021, after he had been arrested in Germany and extradited to Austria.⁴

Establishment of the task force and bias of a key member

One of the earliest official notes⁵, dated 27 May 2019, from the task force reads: "The federal police force has been ordered to INVESTIGATE AGAINST HESSENTHALER JULIAN and others on the basis of the facts mentioned above. Investigations have been initiated." The facts referred to had been submitted by Heinz-Christian Strache's defense lawyer. The author of this file note was one of the key investigators on the task force, N R., who earlier had sent "stay strong" messages to Mr Strache and wished he would "resign from his resignation" from politics. In September of 2019, N R. was ultimately recalled from the task force⁶, but by then he had had ample time to interrogate numerous witnesses and write reports⁷ that cast Julian Hessenthaler in a criminal light.

Bought witnesses and media smear campaign

The investigation led to two former colleagues of Julian Hessenthaler from the security business (K. and S.), who sold information to the right-leaning medium eu-infothek in exchange for payments of more than EUR 55,000^{8,9}. The substance of this information was however cast into doubt or proved wrong¹⁰ by later interrogations. Nevertheless, this evidence and information was picked up by some media (the online platform eu-infothek.com and Oe24, the website of tabloid newspaper Österreich) and represented as true: The found ID of E. K.¹¹ was sold and presented as the possible ID of the "decoy" (i.e. the purported niece of a wealthy potential foreign backer whom the politicians met in Ibiza) and described as another forged document, despite being a valid authentic document. Gert Schmidt, the owner of eu-infothek, said on oe24's TV programme Fellner! LIVE¹² that he was on the trail of Julian Hessenthaler's "forgery workshop" in May of 2020, and in autumn of 2020 he sent "evidence"¹³ to the task force – the ID he presented and which was in the name of "Alyona Makarov" was examined and it was established that the picture used was the wanted picture from the media.¹⁴

Further accusations – drug dealing and coercion

Investigators became increasingly interested in Hessenthaler's former colleague K., who was also a narcotics¹⁵

1 [Exhibit 5](#): Testimony Wandl, 4 June 2019

2 [Exhibit 6](#): Testimonies concerning drugs, VR (page 8), RM (page 7), St (page 3)

3 [Exhibit 7](#): File sub-no. 660, European Arrest Warrant, 18 May 2020

4 [Exhibit 8](#): Motions to dismiss, 28 May 2021

5 [Exhibit 9](#): File sub-no. 9, initial reports 27 May 2019 – establishment of a task force, pages 1, 2, 3, 7, 15

6 [Exhibit 10](#): Official note, last meeting N R., 9 September 2019

7 [Exhibit 11](#): File sub-no. 24, ad-hoc report pursuant to art. 100 (2) (2) Code of Criminal Procedure dated 4 June 2019 by N R. concerning analysis of flight passenger records

8 [Exhibit 12](#): File sub-no. 836-2 s103, interrogation K, 13 July 2020, pages 3-8

9 [Exhibit 13](#): File sub-no. 155, official note, 27 August 2019, Prof. Schmidt (*eu-infothek*) passes anonymous tips to the police, pages 1-5

10 [Exhibit 14](#): File sub-no. 440, interrogation S, 4 December 2019, pages 4, 5, 7, 10-14

11 [Exhibit 15](#): File sub-no. 340 s13, enquiry results, 26 June 2019, E K

12 [Fellner-Live](#) 29 May 2020 starting at 10:52

13 [Exhibit 16](#): File sub-no. 904 s19, official note, 23 September 2020, Gert Schmidt revealing the ID forger

14 [Exhibit 17](#): File sub-no. 904 s8, official note, 21 September 2020, Gert Schmidt forwarding a fake ID

15 [Exhibit 18](#): File sub-no. 72, official note, 8 July 2019, telecommunications surveillance / drug delivery

informer for the federal police force. When they searched the homes of K. and his girlfriend H., they did in fact discover drugs. After numerous interrogations and two convictions, the confiscated drugs were attributed to Hessenthaler – H. stated on several occasions giving inconsistent details (places, times and quantities stated did not match)¹⁶ that K. had received the drugs from Julian Hessenthaler. However, forensic examinations¹⁷ have shown that there were neither fingerprints nor DNA traces of Julian Hessenthaler on the packaging materials or the drug press. Moreover, K. stated that the drugs did not come from Julian Hessenthaler. His defence lawyer said in an interview¹⁸: “My client will plead partially guilty, but the quantities of narcotics are far too high.” He also said that K. had not received the cocaine from Julian Hessenthaler.

Witness for the prosecution S. (an employee of Prof. Gert Schmidt) asked for a meeting with prosecutor Schneider¹⁹ in October of 2020. According to him, K., witness for the prosecution from whom the drugs in question had been confiscated and who had already been sentenced to three years of prison in this matter, had received the drugs from Julian Hessenthaler. S. stated that K. had been coerced to make a false statement in court. Following this statement by S., K. changed his testimony in December of 2020 and at the same time requested an electronic ankle bracelet.²⁰

In the renewed interrogation, K. said that a previous drug delivery had in fact come from Julian Hessenthaler. He said that two weeks before his court hearing on 25 September 2020 his mother in Serbia had been threatened by “Julian’s people”.²¹ After his testimony, K. was released into electronically monitored house arrest and he now lives with his family again. It should be noted that K. never mentioned any threats from his arrest in November of 2019 until that time. In earlier interrogations he repeatedly testified that he had not received drugs from Julian Hessenthaler but from other persons, whom he also named.²²

Telephone surveillance has shown that K. made his drug deals openly via his phone, but no proof of communication (phone calls or chats) concerning drug deals with Julian Hessenthaler²³ exists. Yet authorities maintained the drug charge, which led to the arrest and finally extradition of Hessenthaler. He was formally charged²⁴ with this and two counts of document forgery on 4 June 2021. The document offences concern the seized ID of a female acquaintance of Julian Hessenthaler and a Slovene driving licence that was confiscated from Hessenthaler during a traffic stop at the beginning of May 2019.

16 [Exhibit 19](#): Written submission Eisenberg, 28 December 2020, overview testimonies of H., pages 40-46

17 [Exhibit 20](#): File sub-no. 1094, note to defense lawyer, 13 January 2021

18 [Interview](#) given by Timo Gerersdorfer to *Zeit*, 7 August 2020

19 [Exhibit 21](#): File sub-no. 904 s82, interrogation S, 1 October 2020, pages 3-5

20 [Exhibit 22](#): Request by K for an ankle bracelet if he were to change his testimony, 5 October 2020, page 2

21 [Exhibit 23](#): File sub-no. 1006, interrogation K, 3 December 2020, pages 3-4

22 [Exhibit 24](#): File sub-no. 391, testimony K, 22 November 2019; exhibit 25: file sub-no. 604, testimony K, 5 March 2020, page 29

23 [Exhibit 26](#): File sub-no. 1128s36, interrogation K, 22 January 2021, pages 3-7

24 [Exhibit 27](#): Indictment, 4 June 2021