

Rogert & Ulbrich | Niemannsweg 11-15 | D-40699 Erkrath

via beA

Mainz District Attorney's Office

Schillerstr. 13

55116 Mainz

**Attorneys at Law
in Partnership mbB**

AG Essen PR No. 1801

Please always send beA
communications via the firm's
mailbox at Rogert & Ulbrich
Attorneys at Law in Partnership mbB
SAFE-ID: DE.BRAK.94aef89f-bec1-
4b1c-96e1-bfccb618451b.8aac

Our Reference	Case Officer	Secretariat	Date
88/26	Tobias Ulbrich	Matthias Geiler	March 20,
2026			

Managing Partners:

Dr. Marco Rogert

Attorney at Law and Certified Specialist
in banking and capital markets law
Transportation and Freight Forwarding Law

Tobias Ulbrich

Attorney and Certified Specialist
in Transportation and Freight Forwarding Law

CRIMINAL COMPLAINT

Associate Attorneys:

Dario Kovac

Christian Peuß

Jessica Steinberg

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A. Complainant and Legal Representative

On behalf of and with power of attorney from the complainants named below:

(171 clients)

The undersigned submits:

Attorney Tobias Ulbrich

Law Firm Rogert & Ulbrich Attorneys at Law, Partnership mbB

A criminal complaint against the defendants named below.

The complainants are filing a criminal complaint with the competent public prosecutor's office in Mainz because the marketing authorization holder for the product and the company's headquarters are located within the jurisdiction of the Mainz public prosecutor's office. To the best of our knowledge, the plan was devised there, and everything was coordinated in collaboration with the distribution partners of Pfizer Inc.—the company responsible for the approval phase of BioNTech SE—as well as for pharmacovigilance—Pfizer GmbH.

What all the respective complainants have in common is that they demonstrably received one or more of the disputed batches EX8679, FD7958, and/or FE6975 of the product Comirnaty® (BNT162b2)—declared as a “vaccine” by the marketing authorization holder, BioNTech Manufacturing GmbH, located at An der Goldgrube 12 in Mainz—between May 2021 and August 2021. Each individual complainant has submitted a personal witness statement (Annex 1, each in a separate subfolder for witness statements 1 through 130) containing the following information:

- their state of health prior to receiving the product,
- the specific dates of administration, including the date, lot number, and a copy of the vaccination card,
- a chronological account of the health damages that occurred following each administration.

The witness statements for witnesses No. 131 through 171 will be submitted at a later date.

In cases where an administration led to death, the surviving relatives file a criminal complaint. All complainants serve as witnesses for one another before the respective public prosecutor's office where the other complainants have filed their complaints, and vice versa (so-called

“cross-witnessing”), where criminal complaints are also filed. This “cross-witnessing” serves to prove that the identical batches caused similar, severe health damage in a large number of people, which is of central importance for the question of causality and the batch-specific nature of the damage.

All complainants agree on the following fact: The administration of the batches in question is documented in our files via vaccination records and administration documentation. The health damages that occurred, including deaths, are documented by medical findings, hospital reports, and—in cases of death—by death certificates.

B. Charges

Criminal charges are being filed against the defendants named below on suspicion of the following offenses:

1. **Assault**, § 223(1) StGB
2. **Aggravated assault** by administering a substance harmful to health, § 224(1) No. 1 Alt. 2 StGB
3. **Aggravated assault**, § 226(1) StGB
4. **Assault resulting in death**, § 227(1) StGB
5. **Negligent bodily injury**, § 229 StGB (in the alternative)
6. **Negligent homicide**, § 222 StGB (in the alternative)
7. **Commercial fraud**, Sections 263(1), (3), sentence 2, No. 1 of the German Criminal Code (StGB)
8. **Fraud in a particularly serious case** resulting in a large-scale financial loss, Section 263(3), sentence 2, no. 2, alternative 1 of the German Criminal Code (StGB)
9. **Breach of trust**, § 266(1) StGB
10. **Placing questionable medicinal products on the market**, § 95(1)(1) in conjunction with § 5(1) of the German Medicines Act (AMG)
11. **Placing Medicines on the Market Under a Misleading Name**, § 96 No. 3 in conjunction with § 8(1) No. 2 of the German Medicines Act (AMG)
12. **Criminal misleading advertising of medicinal products**, § 14(1) of the German Medicinal Products Advertising Act (HWG) in conjunction with § 3 HWG
13. **Destruction of documents**, Section 274(1)(1) of the German Criminal Code (StGB)
14. **Scientific fraud in the context of the marketing authorization review**—punishable as complicity in fraud (Section 263 of the German Criminal Code (StGB)) and aiding and abetting bodily injury (Section 27 in conjunction with Sections 223 et seq. of the

German Criminal Code (StGB)) through the publication of scientifically inaccurate information regarding the preclinical safety assessment

15. all **other relevant offenses**

in connection with the manufacture, approval, promotion, government procurement, distribution, and administration of the product Comirnaty® (BNT162b2)—here limited to the batches **EX8679**, **FD7958**, and **FE6975** (manufactured at the Marburg plant; marketing authorization holder: BioNTech Manufacturing GmbH; and the marketing authorization procedure administered by BioNTech SE in conjunction with Pfizer Inc.)—as well as the resulting health damages and deaths among a total of more than 171 injured parties represented in the criminal complaints, who are also serving as witnesses in these proceedings.

C. Defendants

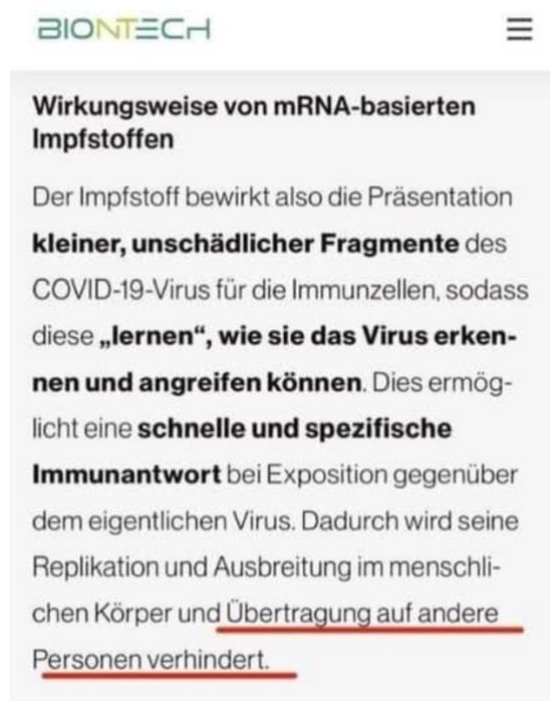
The following list distinguishes between the respective areas of responsibility within the division of labor in the commission of the offenses. The classification is based on the criminal law principle of individual responsibility, taking into account the respective position of liability, organizational affiliation, and specific contribution to the offense. Other involved parties—particularly those in quality assurance, supervisory bodies, and communications with regulatory authorities—are to be identified by the public prosecutor's office.

I. Group of Defendants 1: Managing Directors and Executive Board Members of the Manufacturer

As officers of BioNTech Manufacturing GmbH (marketing authorization holder and manufacturer within the meaning of the German Medicines Act (AMG)) and BioNTech SE (parent company, developer, and recipient of profits through a profit transfer agreement with BioNTech Manufacturing GmbH as its subsidiary), bore **overall corporate responsibility** for the conformity of the manufactured product with the conditional marketing authorization, the accuracy and completeness of the prescribing information (Appendix I of the conditional marketing authorization), the proper declaration of the production process to the regulatory authorities pursuant to Section 29(2a)(4) of the German Medicines Act (AMG), proper pharmacovigilance pursuant to Section 63b of the AMG, and ensuring that no medicinal product of concern within the meaning of Section 5 of the AMG is placed on the market.

Alleged Offense: You are accused of changing the production process from Process 1 (PCR method, used in clinical trials) to Process 2 (plasmid DNA process involving E. coli propagation using a plasmid with an SV40 enhancer, promoter, and origin of replication from Pfizer Inc.,

derived from genetic engineering in cancer research) in violation of Section 29(2a)(4) of the German Medicines Act (AMG)—first by failing to declare the change at all until 2024, and subsequently by failing to declare it properly. You permitted the development and production of batches EX8679, FD7958, and FE6975 despite massive contamination with pDNA and SV40, and allowed them to be placed on the market with serious testing deficiencies and subsequently administered to the respective complainants. Furthermore, you promoted the sale of the product by falsely claiming non-existent protection against infection and transmission in the prescribing information (Section 4.1 of the prescribing information and page 11 of the prescribing information) and through public advertising on your own website until August 2023, and you continued to do so even though you were aware of the lack of evidence supporting this benefit (see copy of the website below).



Furthermore, **Defendants No. 1** (Sahin) and **No. 4** (Türeci) are accused of having disregarded fundamental principles of protein engineering during the development of the spike protein design. As evident from the book “Project Lightspeed” (Miller/Sahin/Türeci, 2021), for which they were jointly responsible, there was neither sufficient expertise regarding coronaviruses (see p. 46: “Uğur was forced to learn more about coronaviruses—about which he knew relatively little—in a crash course”) nor were fundamental biochemical data such as temperature stability, binding partners, structure, and chemical stability of the spike protein used fully determined (Stebel, “Basic Rules of Protein Design,” 2024; Stebel, “Working with Professionals,” 2024). Codon optimization from a 36% GC content (natural gene) to 53% (BioNTech construct) and the complete replacement of uracil with N1-methylpseudouridine

(N1Ψ) were carried out without investigating or controlling the associated risks—in particular, +1 ribosomal frameshifting (*Mulroney et al., Nature 2024, 625:189–194*).

Liability: Personal criminal liability arises from the attribution provision under pharmaceutical law in § 9(2), sentence 2, of the German Medicines Act (AMG), from organizational control by virtue of managerial authority (BGHSt 37, 106; 48, 331), and from the pharmaceutical company's duty to ensure the safety of drugs placed on the market (Sections 5, 8, 63a et seq. AMG). BioNTech SE was entrusted by the petitioner, BioNTech Manufacturing GmbH, with the development and conduct of the preclinical and clinical trials in collaboration with Pfizer Inc. As is well known, the approval process was a joint project between Pfizer Inc. and BioNTech SE, which is why the criminal allegations regarding the development of the substance are directed at this group of individuals, namely:

1. **Prof. Dr. Ugur Sahin**, CEO of BioNTech SE, An der Goldgrube 12, 55131 Mainz
2. **Sean Marett**, CBO & CCO of BioNTech SE, *ibid.*
3. **Dr. Sierk Poetting**, CFO & COO of BioNTech SE, same address
4. **PD Dr. Özlem Türeci**, CMO of BioNTech SE, same address
5. **Ryan Richardson**, CSO of BioNTech SE, same address

II. Group of Defendants 2: Production, Quality, and Release Managers at the Marburg Site

These defendants bore **operational responsibility** for GMP-compliant manufacturing, quality control, analytical testing, and batch release at the Marburg production site, which—according to the complainants' knowledge—did not hold an independent GMP certification for the production of Comirnaty as of September 18, 2023 () (Exhibit 2), according to the assertion made by the defendant's legal counsel in the civil proceedings. Nevertheless, in order to fulfill its supply contracts (APA contracts), the management of BioNTech Manufacturing GmbH permitted such production—which deviated from the terms of the marketing authorization—without disclosing this change in quality to the complainants prior to the administration of the injections.

Alleged Offense: They are accused of having approved batches EX8679, FD7958, and FE6975 despite contamination with pDNA and SV40 sequences—which was at least apparent to them—and of having submitted batch test reports to the PEI that did not reflect the contamination that was actually present. The Qualified Person (QP) personally approved the batches, even though she was responsible for conducting the tests pursuant to Art. 51 of Directive 2001/83/EC and § 16 of the AMWHV. A total of 31 of the 35 tests required for batch

release were conducted independently by BioNTech Manufacturing GmbH in Mainz in its own laboratory; the PEI did not conduct any independent testing in this regard (see Dr. Wagner's testimony before the Federal Administrative Court on July 6, 2022). The inaccurate declaration that the three batches showed no contamination with pDNA and SV40 was submitted to the PEI as a batch release certificate in order to increase sales.

Liability: The personal liability of the Head of QC arises from Section 13 of the AMWHV, while that of the QP arises from Article 51 of Directive 2001/83/EC and Section 16 of the AMWHV. The production manager and the other responsible parties are liable under Sections 13 and 14 of the German Criminal Code (StGB) as well as for their contractually and organizationally assigned duties within the GMP system.

6. **Valeska Schilling**, Production Manager at the Marburg site—responsible for the operational execution of production in Process 2, including ensuring GMP compliance of the manufacturing process
7. **Christoph Prinz**, with BioNTech since early 2020, head of a team responsible for the consistent quality of mRNA batches—responsible for ensuring consistent quality across production batches
8. **Christopher Marhallsay**, Head of Medical Writing—responsible for drafting the prescribing information, patient information, and regulatory texts, and thus for the specific wording of the misleading statements regarding therapeutic benefits
9. **Christian Miculka**, project manager at BioNTech—responsible for coordinating production and regulatory approval processes
10. **Ruben Rizzi**, in charge of regulatory affairs – responsible for regulatory communication with the EMA and PEI, including the declaration of the production process
11. **Ulrich Blaschke**, technical development expert—responsible for the technical implementation of the production process
12. **Stephanie Hein**, lead scientist in charge of BioNTech's "RNA Depot"—responsible for RNA quality and the storage of mRNA starting materials
13. **Francois Perrineau**, Head of Safety and Technical Operations – responsible for operational safety and the technical processes involved in production
14. **Thomas Ziegenhals**, biochemist – involved in biochemical development and quality control
15. **Johanna Drögenmüller**, biochemist – involved in biochemical development and quality control
16. **Alex Muik**, biochemist – involved in biochemical development and quality control

17. **Tim Beissert**, Member of Team Optimal RNA – involved in the optimization of RNA production
18. **Claudia Lindemann**, Master's degree in Pharmacy, trained virologist, entrusted with leading the toxicological studies, although she has no specific experience with cancer—responsible for the toxicological evaluation of the product, which is of particular importance given the SV40 contamination and the oncogenic potential
19. **N.N.**, Head of Quality Control at BioNTech Manufacturing GmbH – personally responsible under Section 13 of the AMWHV for analytical testing and the detection of contamination prior to batch release
20. **N.N.**, Qualified Person (QP) at BioNTech Manufacturing GmbH—personally liable under Art. 51 of Directive 2001/83/EC and § 16 of the AMWHV for the release of each individual batch for marketing; this person is always fully and personally liable

III. Group of Defendants 3: Pfizer Inc. and Distribution Partners

Under the APA agreement framework, Pfizer Inc. was the contractual partner for the international distribution and global marketing of Comirnaty. It supplied the plasmid containing SV40 sequences, which caused the contamination of the batches at issue (), without the use of this plasmid having been reported to the PEI or the EMA by management, the production manager, quality management, or anyone else. No amendment application regarding this specific plasmid used in production, as required under Section 29(2a)(4) of the German Medicines Act (AMG), had been submitted. Pfizer Inc. was responsible for the international benefit claims and managed the global media campaign, particularly through the Reuters news agency, whose CEO, James Smith, was also a member of the board of directors of Pfizer Inc. Pfizer Inc. has a history of misleading marketing of pharmaceuticals internationally (including Bextra/Geodon in 2009: \$2.3 billion; Neurontin in 2004: \$430 million; Rapamune in 2013: \$490.9 million; complete list in Exhibit 24). BioNTech Manufacturing GmbH and BioNTech SE must be held accountable for the conduct of Pfizer Inc. pursuant to Section 9(2), sentence 2, of the German Medicines Act (AMG) as a contribution to the offense through division of labor.

21. **Dr. Albert Bourla**, CEO of Pfizer Inc., 66 Hudson Boulevard East, New York, NY 10001-2192, USA
22. **Aylin Tüzel**, Managing Director of Pfizer GmbH (pharmacovigilance, Section 63b of the German Medicines Act (AMG))
23. **James Smith**, CEO of Reuters and member of the Board of Directors of Pfizer Inc.

IV. Group 4 of Accused Parties: Suppliers and Contract Manufacturers

24. **Alexandra Knauer**, Managing Director, Knauer Wissenschaftliche Geräte GmbH, Berlin (LNP machines)
25. **Vasant Narasimhan**, CEO of Novartis AG (patent holder for LNP ALC-0135/0159)
26. **James Bradner**, M.D., President of NIBR (lipid development)
27. **Thomas D. Madden**, Ph.D., CEO of Acuitas Therapeutics (lipid manufacturer)
28. **Ying K. Tam**, CSO of Acuitas Therapeutics
29. **Sean Semple**, Senior Director of Preclinical Research, Acuitas Therapeutics
30. **Dr. Dietmar Katinger**, CEO, Klosterneuburg (Austria)
31. **Mark Pfister**, Head of BioNTech Production at Novartis AG Marburg 32–35. **Karin Samusch**, **Hilde Neumeyer**, **Dr. Hans-Georg Feldmeier**, **Dr. Jürgen Ott** – Dermapharm AG
32. **Dr. Sabine Brand**, Siegfried Hameln
33. **Dr. Sven Remmerbach**, Baxter Oncology GmbH

V. Group of Defendants 5: Government Officials (PEI)

These defendants are accused of violating their statutory duties of supervision, inspection, and warning in their capacity as public officials and in a position of responsibility (§ 13 StGB), thereby enabling the continued distribution of contaminated batches to the public.

Specifically, they are accused of:

(a) Failure to conduct independent contamination testing: In 31 out of 35 batch release tests, the PEI did not conduct its own testing but relied on the manufacturer's own statements (*testimony of Dr. Wagner before the Federal Administrative Court on July 6, 2022*). No PEI employee had ever seen the inside of a BioNTech facility prior to that time.

(b) Failure to conduct pharmacovigilance in accordance with the law: Contrary to Section 13(5)(9) and (10) of the German Infectious Diseases Act (, IfSG), the PEI did not conduct a batch-specific analysis of the suspected adverse event reports and did not evaluate the data from panel doctors, which would have inevitably revealed the significant batch-dependent variation in the incidence of adverse events.

(c) Failure to forward risk signals: Although a total of 28,159 complete medical reporting forms were received for the three batches at issue (EX8679: 10,579 reports received; FD7958: 9,760 reports received; FE6975: 7,820 reports received), these risk signals were neither communicated to the responsible CHMP nor were the batches withdrawn from the market.

(d) Request for data deletion: The PEI requested that the CDC delete 56,000 German data records from VAERS and claims not to have maintained any pharmacovigilance protocols.

(e) Scientific fraud in preclinical studies—huACE2 mice (NEW):

Defendant No. 38 (Prof. Dr. Cichutek) is separately accused, along with the other co-defendants, of having published a scientific paper under his leading involvement (Wagner R, Hildt E, Grabski E, Sun Y, Meyer H, Lommel A, Keller-Stanislawski B, Müller-Berghaus J, **Cichutek K**. “Accelerated Development of COVID-19 Vaccines: Technology Platforms, Benefits, and Associated Risks.” *Vaccines* (Basel). July 6, 2021;9(7):747, PMID: 34358163) made the inaccurate claim that huACE2-transgenic mice—which express the human ACE2 receptor —were used in COVID-19 vaccine-related studies in mouse models, and that the toxicity of the spike protein could therefore be assessed under conditions mimicking the human ACE2 receptor.

In fact, according to the available documentation, no huACE2 transgenic mice were used. In the documents submitted to the PEI regarding the BioNTech/Pfizer animal experiments (TGA document, pages 175–176, available at: <https://tga.gov.au/sites/default/files/foi-2389-03-1.pdf>), all mice are listed as **BALB/c mice**. BALB/c mice are a standard laboratory mouse strain that does not possess human ACE2 receptors. Using this mouse strain makes it **impossible** to test the toxicity of the Wuhan-1 spike protein (S) with regard to its binding to the human ACE2 receptor and the triggering of the RAS cascade.

The PEI, as the federal authority responsible for conditional approval, was in possession of the submitted animal testing reports. The specification of the mouse strain “BALB/c” was unambiguously included therein. Any expert would have recognized that standard BALB/c laboratory mice could not be used to assess the toxicity of the spike protein at the critical interface of the human ACE2 receptor.

The **result** was that the absence of warning signs in the BALB/c mice—which, lacking human ACE2 receptors, inevitably could not exhibit any spike protein toxicity—was presented as results from huACE2 transgenic mice, thereby providing the public with an extremely “embellished” risk profile that sidestepped the core of the toxicity —docking to the ACE2 receptor, triggering the RAS cascade, and deregulation of the immune system—.

Significantly, the PEI was already aware of the core issue of spike protein toxicity, as it had published its own scientific findings on cell fusion induced by minimal amounts of spike protein

with the collaboration of the same Prof. Dr. Cichutek (Theuerkauf SA, Michels A, Riechert V, Maier TJ, Flory E, **Cichutek K**, Buchholz CJ. “Quantitative assays reveal cell fusion at minimal levels of SARS-CoV-2 spike protein and fusion from without.” iScience. March 19, 2021;24(3):102170, PMID: 33585805).

None of the COVID vaccine manufacturers have tested their optimized vaccine spikes in huACE2-transgenic mice—neither BioNTech/Pfizer (BALB/c mice: TGA foi-2389-03-1.pdf, pp. 175–176), nor Moderna (see Pubs.acs.org/doi/10.1021/acs.molpharmaceut.2c00010), nor Johnson & Johnson/AstraZeneca. It is now up to the PEI to explain which manufacturer claims to have conducted which specific test using huACE2-transgenic mice and why these mice are not mentioned in any of the reports available to the PEI, while all other mouse strains and animal species are documented.

Role as guarantor: The status as a public official arises from the agency’s position as a federal supervisory authority. The duty to act as guarantor stems from the statutory supervisory responsibilities (Sections 63a et seq. of the German Medicines Act (AMG), Sections 25a, 25b, 62, and 63 of the AMG, and Section 77 of the AMG) as well as from the agency’s assumption of responsibility for batch testing and release. Had this duty been fulfilled as required, the complainants could not have been harmed, as the batches would never have entered the market in the first place.

38. **Prof. Dr. Cichutek**, President of the PEI—bore overall responsibility for the federal supervisory authority; he is specifically accused of scientific fraud in the preclinical studies (huACE2 mice) and of having a particularly close relationship with Sahin due to a large number of joint publications. He was an outspoken advocate of genetic engineering.
39. **Prof. Dr. Vieths**, Vice President of the PEI
40. **Dr. Keller-Stanislawski**, Head of the Department of Drug Safety at the PEI—directly responsible for pharmacovigilance; also a co-author of the Wagner et al. 2021 publication. She ensured that, to this day, the legal obligations under Section 13(5) of the IfSG have not been fulfilled, no batch analyses have been conducted, the minutes of pharmacovigilance meetings—which are a legal requirement—were either not kept or suppressed, and the data from panel doctors have not been analyzed to this day, all in order to maximize revenue for the marketing authorization holder and the parent company of BioNTech SE and to avoid jeopardizing the marketing authorization. This also raises a suspicion of corruption when a multitude of legal obligations are knowingly violated.

41. **Prof. Dr. Hildt**, Head of the Virology Department at PEI—and co-author of the Wagner et al. 2021 publication
42. **Prof. Dr. van Zandbergen**, Head of the Immunology Department, PEI
43. **Dr. Hinz**, Head of Research Group 3/4 (Therapeutic Vaccines), PEI
44. **Dr. Wagner**, Head of Quality Control, PEI—who testified before the Federal Administrative Court on July 6, 2022, that no PEI employee had ever seen the inside of a BioNTech plant and that the contamination tests were conducted independently by the manufacturer.

VI. Group of Accused 6: Political Officials

45. **Former Federal Minister of Health Jens Spahn**—issued the MedBVS in May 2020; (expired vaccines may be administered (violation of Section 8(3) of the German Medicines Act (AMG) and grounds for a fine under Section 97 AMG); vaccines do not need to be accompanied by a package insert or a declaration of contents, among other things, violation of § 11 AMG)—and stated on December 15, 2025, before the Enquete Commission that all manufacturers and he had always known that the substance was never intended for protection against infection or transmission, since he and the vaccine manufacturers had always known that the substances had been developed solely to alleviate the symptoms of COVID-19. The conflicting manufacturer claims—assuming the accuracy of the former Federal Minister of Health’s statement—demonstrate the intent to deceive the complainants regarding the therapeutic benefit, since they were told that the vaccine was 95 percent effective in preventing infection and transmission, and it was primarily in light of this protection against transmission that all measures, Jens Spahn demanded—such as 2G and 3G measures—were implemented, including facility-specific proof requirements. The former federal minister also explained that, as a result, a simplified approval process for vaccines had been chosen in error, which did not apply to medications intended to treat a disease. Had the minister told the truth in 2021, the 171 complainants would never have agreed to receive the vaccine, because none of them wanted to contract COVID-19 first in order to then alleviate any potential consequences of the disease; rather, the goal was to prevent infection and transmission. That was the sole reason for their acceptance of the vaccine.
46. **Dr. Angela Merkel**, former Chancellor—coordinated the vaccination campaign through General Breuer; via the federal-state conferences, she initiated the 3G/2G measures, which were based solely on preventing transmission, against her own better judgment.

47. **Prof. Dr. Lothar H. Wieler**, former president of the RKI. He was responsible for the “panic orchestra” designed to bolster the respective measures with alleged scientific evidence, which, as the RKI Files revealed, did not exist at all because they were actually directives from the Federal Ministry of Health (BMG).
48. **Prof. Dr. Christian Drosten** – Was part of the marketing strategy to spread fear and give the appearance of scientific validity to political decisions. He knew that SARS-CoV-2 was an artificial chimeric virus because he himself had conducted research on SARS-CoV with the approval of the patent holder (CDC) and Anthony Fauci. He published his contribution to gain-of-function research through the creation of a new chimera of the SARS-CoV, which he named the Frankfurt1 virus (<https://pmc.ncbi.nlm.nih.gov/articles/PMC2739521/>). As with SARS-CoV-2, this always involves the recombination of naturally occurring viral sequences, which, when reassembled, resulted in something new. They cloned the complete SARS-CoV genome into a BAC system and generated two recombinant viruses: one with **an intact ORF 7b** and one with the **Frankfurt-1-specific ORF 7b deletion**. This allows them to compare both variants without other genetic differences skewing the results. Using reverse genetics, Drosten and others demonstrated that a virus with this deletion replicates earlier and more vigorously in certain cell lines and, in particular, in the hamster model. The identification and exploitation of potential virulence-enhancing traits in a virus are referred to as “gain of function.” His institute at the Charité continues to promote this to this day.

Against this backdrop, Drosten was always aware of the virus’s laboratory origin, because research and publication regarding Frankfurt1 would not have been legally possible without the approval of the patent holder, the CDC.

- 49ff. **Other responsible parties yet to be identified** at the Federal Ministry of Health (BMG), the Federal Chancellery (BK-Amt), and STIKO, as well as the primary beneficiaries as shareholders and initiators.

D. Motions

On behalf of and with the authorization of the complainants, the following is requested:

1. The initiation of a preliminary investigation against all named suspects as well as against other responsible parties yet to be identified.
2. The **immediate preservation of all evidence**—there is an imminent risk: The PEI requested that the CDC delete 56,000 German data entries from VAERS; in legal proceedings

before the Darmstadt Administrative Court, the PEI claims not to have maintained pharmacovigilance records, even though the BMG states the opposite. In addition, the SaveVac2.0 data and the pharmacovigilance records from the weekly pharmacovigilance meetings must be secured.

Specifically: manufacturing/batch documentation (batch records) for EX8679, FD7958, FE6975; QP approvals; GMP documents and Marburg inspection reports; marketing authorization/variation dossiers; pharmacovigilance data at the PEI and Pfizer GmbH; APA project management communication documents; political communication documents (Federal Chancellery/BMG/BMJ 2021).

3. Securing the application documents for the change in the production process for the general population, deviating from the conditionally approved product pursuant to Section 29(2a)(4) of the German Medicines Act (AMG), submitted to the PEI to change the production process from Process 1 to Process 2.

4. Securing the animal testing reports available to the PEI regarding the mouse strains used (BALB/c vs. huACE2-transgen), as well as the communications between Cichutek and policymakers and the manufacturer prior to this publication.

5. Obtain all communications between Sahin and Cichutek, as well as the communications between Spahn and Lauterbach and Cichutek.

5. Questioning of the named defendants and witnesses.

6. Obtain toxicological, biomolecular, and medical expert opinions to assess causality, particularly regarding the question of harm caused by pDNA/SV40 contamination, LNP toxicity, and spike protein persistence (sealed, tamper-evident vials are available).

7. In cases of death: autopsy and histopathological examination.

8. Independent laboratory analysis of the remaining sealed vials from the three batches.

9. Disclosure of the case file number and access to the case file in accordance with the Code of Criminal Procedure (StPO).

E. Key Findings of the Investigation (Facts of the Case)

The following facts are divided into the events leading up to the crime, the main course of the crime (eight sets of offenses), and the consequences of the crime. For each set of offenses, it is outlined which defendant made which specific contribution to the crime.

I. Events Leading Up to the Offense (through December 2020)

1. Development of mRNA Technology

The technology for producing modified mRNA (modRNA) as a gene therapy platform has been under investigation for over 30 years as an experimental cancer treatment. European regulations stipulate that vaccines must contain an antigen; however, modRNA products do not contain an antigen, but rather nucleic acids that instruct the body's own cells to produce the spike protein of the SARS-CoV-2 virus. Due to the reclassification of gene therapy products as "vaccines" under emergency use authorization, none of the components were tested for safety in the manner required for gene products (Mead/Seneff/McCullough, Lessons Learned, 2024; Appendix 15).

Unlike conventional vaccines, modRNA products transform the recipient's cells into viral protein factories. As Trougakos et al. (2022) and Acevedo-Whitehouse and Bruno (2023) noted, these factories do not have an "off" switch. There is no built-in system to prevent the unlimited replication of spike protein copies. When the spike protein enters the bloodstream and spreads systemically, it becomes a factor contributing to various adverse events. The systemic spread of modRNA is problematic because the N1-methylpseudouridine modification has been shown to promote a variety of systemic malfunctions in the human body (Kim et al., 2022).

2. Timeline of Development

In August 2018, Pfizer Inc. submitted the application for the approval process for BNT162b2 to the FDA. In September 2019, the Bill & Melinda Gates Foundation invested \$55 million in BioNTech. On November 18, 2020, BioNTech announced "95 percent efficacy in preventing COVID-19." On November 20, 2020, BioNTech Manufacturing GmbH and Pfizer Inc. entered into the APA procurement agreement, which explicitly states that efficacy and safety were not yet definitively known. On December 21, 2020, the European Commission granted conditional approval.

3. MedBVSF: Bypassing Safety Mechanisms

In May 2020, Health Minister Spahn (Defendant No. 45) issued the Medical Supplies Security Ordinance (MedBVSF), which suspended the following safety mechanisms of the German Medicines Act (AMG): No prescribing information or package inserts were required to accompany the injections; no declaration of contents was required; expired products were permitted to be administered (contrary to Section 8(3) of the AMG); no retention samples had

to be set aside. Spahn and his successor Lauterbach maintained the ordinance until December 31, 2023.

The complete chronology (50 points) is attached as **Appendix 23**.

II. Main Facts of the Case: The Eight Sets of Offenses

1. Set of Offenses 1: Deviating Production Process and Contamination of Batches

a) Switch from Process 1 to Process 2

During clinical trials, Comirnaty was manufactured using “Process 1,” which involved a PCR-based DNA template followed by in vitro transcription. For public distribution, the manufacturer switched to “Process 2”: The modRNA is derived from linearized plasmid DNA templates, which are amplified in *E. coli* bacteria in bioreactors. The plasmid used in this process is sourced from Pfizer Inc. (Defendant No. 21) and contains the SV40 enhancer, promoter, and Ori—sequences specifically used in genetic engineering research for transfection into the cell nucleus. Contrary to Section 29(2a)(4) of the German Medicines Act (AMG), this modification to the plasmid used was not declared by the development or production team. It was not until February 29, 2024—after its discovery by Kevin McKernan—that the plasmid actually used was disclosed to the EMA.

b) Contamination findings regarding the three batches

Kämmerer et al. (Science, Public Health Policy and the Law, 2024; **Appendix 16**) conducted quantitative measurements:

Batch	dsDNA (ng/dose) without Triton	dsDNA (ng/dose) with Triton	Factor
FD7958	1,514 ± 142	2,446 ± 280	1.6
FE6975	963 ± 99	3,683 ± 100	3.8
EX8679	410 ± 43	2,745 ± 233	6.7

Furthermore, PCR detection of plasmid-related sequences, including the SV40 promoter/enhancer, was detected in the vials. BioNTech itself classified the substance as **OEB5**—highly toxic at concentrations of 1 microgram or more. The ZKBS statement (Ref. 6790-10-34, 1995; **Appendix 19**) describes that SV40 possesses oncogenic potential: The large T-antigen binds to the tumor suppressor proteins pRb and p53 and can cause uncontrolled cell proliferation.

c) Individual Contributions to the Offense

- **Defendants No. 1–5:** Decision to switch to Process 2; failure to declare the plasmid
- **Defendant No. 6** (Schilling): Operational production in Marburg without GMP approval

- **Defendants No. 19–20** (Head of QC/QP): Release of the contaminated batches
- **Defendant No. 21** (Bourla/Pfizer): Delivery of the contaminated plasmid containing SV40 sequences and making false claims regarding its therapeutic benefits; oversight of international marketing
- **Defendants Nos. 38–44** (PEI): Failure to conduct independent contamination testing

2. Set of Offenses 2: Fundamental Errors in Protein Design

a) Facts Relevant to the Case

As the expert witness Dr. Sabine Stebel (Ph.D. in protein engineering, specializing in protein folding and protein engineering) explains in her detailed scientific analysis “Working with Professionals for Once” (2024) and in her essay “Basic Rules of Protein Design” (Space and Time, 2024), fundamental rules of protein engineering were disregarded in the development of the spike protein design used in Comirnaty:

(i) Codon optimization without understanding the consequences: The natural gene for the spike protein has a GC content of 36%; the BioNTech/Pfizer construct has a GC content of 53% (Moderna: 61%). Despite many unknowns regarding the three-dimensional folding of the mRNA—which cannot yet be calculated (Shen et al., Nature Methods 2024, 21:2287-2298), the codons were “optimized” without investigating the associated risks—in particular, the elimination of internal stop codons and changes to the 3D structure of the mRNA, which contains information regarding the reading speed of ribosomes.

(ii) Replacement of uracil with N1-methylpseudouridine (N1Ψ): In addition to codon optimization, the uracil in the mRNA was completely replaced with N1-methylpseudouridine (N1Ψ) to produce modified RNA (modRNA). N1Ψ has an unknown function in naturally occurring RNA (tRNA, rRNA) and is used there very conservatively at specific sites. This complete substitution affects the reading behavior of ribosomes. Mulrone et al. (Nature 2024, 625:189–194) demonstrated that the N1Ψ modification results in a **+1 shift in the reading frame**, leading to proteins with different structures and unknown functions in 25–30% of vaccine recipients. The manufacturer has not investigated either the folding properties or the metabolism of N1Ψ following the degradation of the modRNA (see BioNTech/Pfizer Nonclinical Overview, p. 20: “No studies on RNA or protein metabolism or excretion are being conducted”).

(iii) Hybrid proteins following multiple vaccinations: The spike protein consists of three subunits (a trimer). These are not permanently bound to one another; the subunits can change partners over time. With two different vaccinations (e.g., primary series and a variant-specific booster), there are mathematically up to 64 different heterotrimeric spike proteins in hexamers

and up to 512 different structures in nonamers. After three different vaccinations, theoretically up to 20,422 different spike protein combinations are possible in the body—combinations that do not occur naturally and are recognized as foreign by the immune system, which can lead to autoimmune reactions (Khavinson et al., 2021; Lyons-Weiler, 2020).

(iv) The spike protein as a pathogenic agent: Parry et al. (Biomedicines 2023, 11:2287; **Appendix 25**) use the term “spikeopathy” to describe how the COVID-19 spike protein is pathogenic, whether derived from viral or vaccine mRNA. The spike protein can inactivate the tumor suppressor p53 (Zhang/El-Deiry, Oncotarget 2024, 15:275-284), possesses a furin cleavage site that serves as a signal for transport into the cell nucleus, and can suppress cell apoptosis—natural programmed cell death—there.

b) Individual Contributions to the Offense

- **Defendant No. 1** (Sahin): As CEO and self-proclaimed “biohacker” (see Project Lightspeed, p. 44), he was responsible for the entire protein design, even though he admitted to having no knowledge of coronavirus virology (p. 46)
- **Defendant No. 4** (Türeci): As CMO and co-author of “Project Lightspeed,” jointly responsible for the scientific design
- **Defendant No. 18** (Lindemann): Responsible for the toxicological studies, despite having no specific experience with cancer—experience that would have been of central importance given the inactivation of p53 by the spike protein

3. Set of Charges 3: Toxicity of Lipid Nanoparticles

a) Scientific Basis

Lipid nanoparticles (LNPs) are the delivery system in which the modRNA is encapsulated. Contrary to the claim that LNPs are “completely safe nanocarriers,” the scientific literature demonstrates their significant toxicity potential:

Azarnezhad et al. (Critical Reviews in Toxicology, 2020; **Appendix 26**) explain in their comprehensive review that exposure to lipid nanoparticles can induce cytotoxicity, epigenetic effects, genotoxicity, and cell death. The toxicity arises on three levels:

First, through the production of reactive oxygen species (ROS), which cause DNA damage, disrupt cellular signaling pathways, and alter transcriptional gene regulation.

Second, through direct interaction with the cell membrane, particularly in the case of cationic lipids, which cause dose-dependent pneumonia and ROS-mediated toxicity (Dokka et al., 2000; Scheule et al., 1997).

Third, through genotoxic effects: Cationic liposomes induce significant micronucleus formation even at non-cytotoxic concentrations (Shah et al., 2013).

Of particular relevance: The LNPs enter **all cells** via the bloodstream and not just at the injection site—this was known from Pfizer’s own biodistribution data. This systemic distribution means that every transfected body cell that expresses the spike protein on its surface is recognized as foreign by the immune system and attacked by T cells—a mechanism taught as early as 9th-grade biology (Stebel, 2024).

Furthermore, lipid nanoparticles have been detected in extracellular vesicles (exosomes), which can be distributed systemically via the bloodstream and even exhaled (Banoun, 2022; Bansal et al., 2021).

b) Specific Safety Omission: LNPs ALC-0135 and ALC-0159

The LNPs ALC-0135 and ALC-0159 used in Comirnaty are patented by Novartis AG (Defendant No. 25). According to Annex II, Condition E of the conditional marketing authorization, BioNTech was required to submit additional safety data on these LNPs. This was **not** done. Instead, BioNTech cited comparability with the product Onpattro—for which, however, numerous medications must be taken one hour prior to administration to minimize the toxic effects of the LNPs. The EMA took no action in response to inquiries from journalists.

c) Individual Contributions to the Offense

- **Defendants No. 1–5:** Responsibility for the failure to submit the LNP safety data
- **Defendants No. 24–29:** Jointly responsible as suppliers and developers of the LNP and the production machinery
- **Defendants No. 38–44 (PEI):** Acceptance of the failure to meet Condition E without regulatory consequences

4. Set of Offenses 4: Scientific fraud in preclinical studies—huACE2 mice

a) The Allegation

In the scientific publication Wagner et al. (Vaccines (Basel) 2021;9(7):747, PMID: 34358163), the PEI, under the leading contribution of Prof. Dr. Cichutek, made the following claim:

“Since wild-type (wt) mice are not susceptible to SARS-CoV-2 infection, huACE2-transgenic mice are used for COVID-19 vaccine-related studies in the mouse model; these mice express the human ACE2 receptor on their cells and are therefore readily infected with SARS-CoV-2 and develop a clear disease phenotype.”

According to the available documents, this statement is inaccurate. In the animal testing reports submitted by BioNTech/Pfizer to the PEI (TGA document, pp. 175–176), all mice used are identified as **BALB/c**—a standard laboratory mouse strain that lacks human ACE2 receptors. BALB/c mice cannot replicate the toxicity of the spike protein at the ACE2 receptor. Thus, the primary pathogenic function of the spike protein being produced was not replicated (see **El-Arif and Sabatier et al.**).

b) Reconstruction of the Presumed Course of Events

1. The manufacturers, particularly BioNTech, submitted the animal experiments using BALB/c mice to the PEI.
2. The PEI recognized that BALB/c mice could not be used to evaluate the central toxicity issue—the binding of the spike protein to the human ACE2 receptor and the triggering of the RAS cascade—and that the preclinical data were therefore insufficient to demonstrate the safety of the substance Comirnaty.
3. Instead of requiring that the tests be repeated using huACE2-transgenic mice (which would have significantly delayed approval), the type of mice used was not only overlooked but actively misrepresented in scientific communications—a fact that calls into question the PEI members’ understanding of the necessity of using huACE2 mice.
4. In the scientific publication by Wagner et al. 2021, it was then falsely claimed that huACE2 transgenic mice had been used—a claim that no one in the scientific community was able to question, since the underlying reports were classified and held by the PEI, and, according to an internal agreement between the FDA and Pfizer Inc., are not to be released for another 75 years.
5. The “embellished” results from the BALB/c mice, which—due to the absence of human ACE2 receptors—could not show any signs of toxicity, were presented as results from huACE2 transgenic mice.
6. The public was thus presented with a risk profile that systematically sidestepped the core mechanisms of toxicity—binding to ACE2, the RAS cascade, and immune dysregulation. Despite clear knowledge of the mechanism of harm (furin cleavage site, separation of the S1 subunit of the spike protein from the S2 subunit, binding of the S1 subunit of the spike protein to human ACE2 receptors, and triggering of the RAS cascade)—the safety of the potential primary mechanism of harm was expressly not clarified for the purpose of declaring the substance safe; rather, it was deliberately left as is, along with the mechanisms of harm and the knowledge regarding those mechanisms.
- 7.

c) The PEI's Knowledge of Spike Protein Toxicity

Significantly, the PEI, with the involvement of the same Prof. Dr. Cichutek, published its own research findings on cell fusion caused by minimal amounts of the spike protein (Theuerkauf et al., iScience 2021;24(3):102170, PMID: 33585805). The PEI **was** therefore **aware of** the danger posed by the spike protein at the ACE2 binding site, published this information itself—and at the same time approved animal experiments that, due to a lack of suitable mouse strains and rhesus macaques (which also lack ACE2 binding sites), could not have demonstrated this danger at all.

d) Individual Contributions to the Offense

- **Defendant No. 38** (Cichutek): Lead contributor and co-author of the inaccurate publication; overall responsibility for the federal higher authority
- **Defendant No. 40** (Keller-Stanislawski): Co-author of the publication
- **Defendant No. 41** (Hildt): Co-author of the publication

5. Set of Offenses 5: Persistence of the spike protein

Patterson et al. (Frontiers in Medicine, 2023, 10:1122529; **Exhibit 27**) demonstrated that the S1 protein subunit of SARS-CoV-2 persists in CD16+ monocytes **for up to 15 months** after infection or administration. In another study, persistence was detected **up to 245 days** after administration in SARS-CoV-2-negative individuals (Patterson et al., 2024, medRxiv preprint). Recent data even show persistence of mRNA, plasmid DNA, the spike protein, and genomic dysregulation for over **3.5 years** after administration (Hulscher et al., 2026, Zenodo). BioNTech stated in the nonclinical documentation that “no studies on RNA or protein metabolism or excretion w” (Nonclinical Overview, p. 20). The claim of rapid degradation of the modRNA and the spike protein was therefore never substantiated by evidence and was made to the complainants—with the assertion that it “degrades within 14 days”—without any factual basis.

6. Allegation 6: Misrepresentation Regarding Therapeutic Benefit

In Annex I of the conditional marketing authorization, Section 4.1, the manufacturer declared Comirnaty to be a product for “active immunization for the prevention of COVID-19” with 95% efficacy. In the EMA's response letter dated October 18, 2023 (**Exhibit 3**), it was confirmed that protection against transmission had neither been applied for, nor tested, nor approved. Jens Spahn stated on December 15, 2025, before the Enquete Commission that all manufacturers and he himself had always known that the substance had never been intended

to protect against infection. The absolute risk reduction (ARR) was only 0.7% (Olliaro/Torreale/Vaillant, The Lancet Microbe 2021; **Exhibit 6**). Starting in the fourth month, the efficacy turned into negative immunity (Shrestha et al.; Chemaitelly et al.; Ioannou et al.; **Exhibits 9–15**).

7. Set of Facts 7: Systematic Failure of Pharmacovigilance

Contrary to Section 13(5)(9) and (10) of the IfSG, the PEI did not conduct a batch-specific analysis. For the three batches, 28,159 complete medical reporting forms were available (EX8679: 10,579; FD7958: 9,760; FE6975: 7,820) (PEI's own statement). Neither was a batch recall initiated nor were the risk signals forwarded to the CHMP. The number of report forms received for the batches is derived from an Excel spreadsheet that the PEI posted online on November 28, 2024, entirely unsorted, and which we then analyzed.

Comirnaty	
EX8679 in question	10579
FD7958 in question	9,760
FC3095	9388
EX3510	8866
FE6975 figurative	7820
EW8904	7817
ER9480	7801
ET3045	7251
FD9234	7170
EX3599	6765
EX8680	5826
EM0477	4864
FC1440	4754
FF0900	4474
EX7823	4450
FE7011	4270
1F1024A	4181
FA5833	4164
ER7812	4090
1F1023A	4036
1F1027A	3902
EK9788	3733
FE8405	3576
1F1021A	3567
1D020A	3316
EY2172	3172
ET3674.	2886
EJ6796	2799
1F1010A	2759
ACB9148	2759
FC8889	2672
1E021A	2658

1C008A	2588
EL8723	2570
1D015A	2511
1C009A	2458
ACB8967	2424
FC1436	2334
SCWF3	2316
1G040A	2307
1F1022A	2281
FE9174	2169
1D014A	2116
30025TB	2111
SDEJ8	2077
SCVT5	2062
SCTJ2	2056
1D016A	2054
SCVK4	2043
EP9598	2012
SCTN4	1979
EJ6789	1975
SDEW9	1975
1C007A	1965
ACB4694	1951
SCVW7	1937
1C006A	1922
ER2659	1915
1E028A	1899
31043TB	1896
ACC1336	1896
SCKX7	1896
FD5996	1856
ACB4447	1835
1E026A	1833
ACB3738	1795
EP2163	1794
ACB5317	1785
1D013A	1781
EJ6788	1775
SCRW2	1770
1D018A	1769
EJ6797	1769
31101TB	1721
SCVY8	1716
SCPT7	1699
1F036A	1684
SCR9	1677
ACC0681	1674
1E029A	1668
SCUL2	1646

ACB4692	1635
33233TB	1634
GH9715	1624
SCUE1	1621
1H048A	1603
1D012A	1592
1H049A	1587
30891TB	1584
1C011A	1571
SCVC6	1561
EL1491	1525
30011TB	1480
ACB5318	1465
SDEH4	1465
1D017A	1433
1F030A	1394
SCJU6	1313
SCRM8	1287
FF3318	1277
ACB5038	1247
FP1972	1224
SCTD6	1198
1E024A	1163
FH9678	1084
1F1042A	1013
1F1052A	835
FE8236	827
PCA0002	655
SDCN1	625
34397TB	619
ACB9929	578
ACB7737	549
1F034A	496
1F1004A	494
1C010A	491
SCKT8	486
1F1007A	403
FF7481	374
EJ6795	357
SDHP9	332
1F1050A	329
34396TB	329
ACB9471	314
PCA0004	306
FE2625	296
1F1014A	281
ACC0306	269
34523TB	192
FP1980	189

FC1526	185
ER9470	167
34524TB	147
30,966 TB	128
1F1049A	114
FD6840	86
FD1921	83
EY7015	71
FD0168	64
ACC6099	62
SCEL5	58
1G044A	55
FF0680	47
FA4598	46
FH0161	40
EW2239	37
EX0893	37
ER7449	34
FG9428	31
EY3014	30
FD4555	30
EW4815	27
SDCH8	27
FF8288	24
EW6126	23
FA5829	22
1F1029A	21
FE8235	21
1F1017A	18
FF4213	18
FN4074	18
1F1013A	17
FG3739	16
SDCC8	16
EJ6790	15
ET1831	14
ET3620	14
FD7959	14
EL1484	13
FE6029	13
EJ6134	11
EW2243	11
1F1032A	10
EJ6136	10
ACB8966	9
1F1020A	7
EP9605	7
EW4109	7
FA8142	7

SCWF7	7
EW2246	6
FC1433	6
FC5436	6
1F1036A	5
ET6924	5
EW5279	5
EW9127	5
FA2453	5
FE4728	5
1F1028A	4
1F1030A	4
1F1033A	4
EP2166	4
ET7205	4
FC5435	4
SDYX4	4
124001	3
1F1019A	3
1F1025A	3
1F1075A	3
ACB8491	3
ET6956	3
EY2173	3
EY4834	3
FD4342	3
FE2083	3
FE7010	3
FN4077	3
SDYY8	3
128001	2
31134TB	2
ET2838	2
EX7389	2
FA7812	2
FC2336	2
FC5029	2
FE4721	2
FG9019	2
1F1005A	1
1F1018A	1
1F1031A	1
1F1056A	1
34512TB	1
ACB3152	1
EL8713	1
EP6017	1
ET9096	1
EW3344	1

EX6537	1
FA4632	1
FP0362	1
SCDN1	1

It has long been known internationally that there was batch-dependent causation of harm. BioNTech disputed this in the civil court proceedings, citing the PEI and the SaveVac2.0 app analysis. Before the Darmstadt Administrative Court, the PEI stated in writing that the data could not be disclosed because the analysis of the SaveVac2.0 app is still ongoing to this day.

The scientific literature is unequivocal.

Evidence: Exhibit 37 – Danish study (raw data)

Exhibit 38 – Fürst et al. – Czech study

Exhibit 39 – U.S. study

According to the PEI's Excel list, the reports were received at the following times after evaluation:

=>		ABV3374	ABV5443	ABV5652	EX8679	ABV4678	FD7958
		Vaxzevria	Vaxzevria	Vaxzevria	Comirnaty	Vaxzevria	Comirnaty
ahr	Monat	16955	13480	10732	10579	10426	9760
2021	1	2	6	1	0	14	2
2021	2	1656	31	25	12	3542	3
2021	3	14962	12829	9415	62	6601	1
2021	4	68	357	1053	118	81	4
2021	5	71	80	113	9949	46	81
2021	6	0	29	27	215	3	6676
2021	7	0	1	0	37	0	2596
2021	8	0	0	0	53	0	89
2021	9	1	0	0	0	2	102
2021	10	0	0	0	0	0	37
2021	11	0	0	0	15	0	23
2021	12	0	0	3	10	10	23
2022	1	0	6	0	5	0	8
2022	2	0	0	0	0	1	3
2022	3	0	13	11	2	0	6
2022	4	3	0	0	0	0	0
2022	5	0	0	0	18	0	0
2022	6	0	0	0	0	5	13
2022	7	0	0	0	0	0	0
2022	8	0	0	0	0	0	0
2022	9	0	0	0	0	0	0
2022	10	0	0	0	1	0	0
2022	11	0	0	0	0	0	0
2022	12	0	0	0	0	0	0

Based on the address data and vaccination dates, the public prosecutor's office can conclude that the three batches were first transported to the Bundeswehrlogistics center in Quakenbrück and were then, as part of the picking process at the warehouse, distributed in small quantities

across Germany at the respective vaccination time for each batch, which prevented vaccination centers from warning one another about the use of these batches because, after re-picking, they were rolled out nationwide in the same calendar week.

The pattern of consistently identical administration (a two-month period to test for risk) followed by a large-scale, coordinated, simultaneous rollout across all of Germany suggests that Chancellor Merkel and General Breuer—who were in charge of and coordinated logistics in Germany—were also aware of the harmful nature of the batches. In Australia, this was the case, as the military there independently sequenced each batch beforehand. Whether the Bundeswehr handled it in the same way is unknown. In Australia, based on the contamination results, the contaminated batches were then specifically distributed to homes for people with disabilities. In Germany, there has been no clarification whatsoever regarding the question of who received which batch. Only Bundeswehr Logistics, General Breuer, and former Chancellor Angela Merkel know this.

Contrary to its statutory pharmacovigilance obligations, the PEI did not conduct any batch analysis nor did it evaluate the data from physicians participating in the statutory health insurance system. This constituted a legal violation of Section 13(5)(9) and (10) of the IfSG. The background to this is that the PEI/ZEPAI was designated as the process financier for the vaccine manufacturers, tasked with supporting BioNTech through payments as well as advice and assistance. (See Appendix 1 and <https://multipolar-magazin.de/artikel/corona-haftungsfreistellung>).

8. Set of Offenses 8: Commercial fraud by inducing a mistake regarding therapeutic benefits to facilitate the procurement and distribution of

Internally, within the APA contract, uncertainty regarding efficacy and safety was documented. Externally, however, the opposite was promoted. The European Commission ordered well over 600 million doses for Germany alone, at a cost of over 35 billion EUR. BioNTech and Pfizer each generated profits (50:50) of over 20.6 billion EUR (**Appendix 5**). This was only possible because the management and executive boards of BioNTech Manufacturing GmbH, BioNTech SE, and Pfizer Inc. claimed, two days before the APA contract was signed, that their product, Comirnaty, provided protection against infection and transmission and that an efficacy of 95 percent had been unequivocally established. This made headlines worldwide in late November 2020 across all newspapers and news channels. This was triggered by the inaccurate factual claims sponsored by the three companies in Polack et al., the head of clinical trials for the Comirnaty product, who made this claim two months after the start of the clinical trials (using

only products manufactured via Process 1). The efficacy study was a condition of the conditional approval pursuant to Section II.E of the conditional approval and was due to be submitted by December 31, 2023. However, in early 2021—following internal findings that the product offered no protection against infection or transmission, but rather caused even greater immunological damage—the efficacy study was terminated with the justification that the placebo group had also wanted to be vaccinated. Today, it is scientifically proven that the product could never have provided protection against infection or transmission. Consequently, the executive boards of BioNTech SE and Pfizer Inc. devised a new defense, which was circulated beginning in late 2022, namely that their substance was intended as a medication to alleviate severe symptoms, fully aware that there had never been any clinical trials to support this claim and that the product was not even approved as a medication for treating COVID-19. Without the deception regarding the therapeutic benefit—which originated with the board of directors of Pfizer Inc. in order to launch the product's marketing with a bang and to present itself in a better light compared to competitors Moderna and AstraZeneca, thereby gaining more market share in the “ ” sales—claims regarding the therapeutic benefit were made without any evidence, claims that did not correspond to the facts even at that time, since the defendant itself had stated the actual ARR to be 0.7 percent. Subsequent scientific studies arrived at an NNV of 217, which corresponds to approximately 0.4 percent ARR; in other words, 217 people would have had to be vaccinated for a statistically significant effect to be detected. The public spread of this misinformation thus stemmed, on the one hand, from the claim of protection against transmission—which did not exist—and, on the other hand, from the claim of 95 percent efficacy—which also never existed. This alone prompted the federal government and the Federal Ministry of Health (BMG) to purchase 10 times the amount of Comirnaty mathematically required for the population of the Federal Republic of Germany. Over 400 million doses must now be disposed of at a cost.

III. Health Damage and Deaths Among the Victims

Among the adverse effects experienced by those affected were: myocarditis, pericarditis, thromboembolic events, neurological deficits, autoimmune reactions, permanent disability, cancer, and deaths. The scientific literature describes these adverse effects under the term “spikeopathy” (Parry et al., 2023): The spike protein is pathogenic, whether derived from the virus or from the mRNA product. Cardiotoxic effects have been confirmed in animal and cell studies (Schreckenberget al., British Journal of Pharmacology 2024, 181:345-361; **Appendix 28**). An autopsy-based characterization of myocarditis was published by Schwab et al. (Clinical Research in Cardiology 2023, 112(3):431-440; **Appendix 29**).

IV. Consequences of the Offense to Date

The consequences of these actions persist. The pharmacovigilance data is not released by the PEI either pursuant to Section 84a of the German Medicines Act (AMG), under press law, or under the Freedom of Information Act. This is intended to prevent information about the serious consequences of the vaccination from reaching the public before the statute of limitations on the criminal offenses expires. The ongoing aim is to obscure and conceal the facts. Thus, the Bundestag's Health Committee, together with the parliamentary groups of the governing parties, decided that the pharmacovigilance data and the data from the SaveVacApp 2.0 should not be subject to review and examination by the Enquete Commission, nor should access to the pharmacovigilance protocols be granted. These must therefore be obtained as part of the investigation due to the high likelihood that they may be destroyed.

F. Legal Assessment

I. Bodily Injury, Section 223(1) of the German Criminal Code (StGB)

1. Objective Elements of the Offense

According to established case law of the Federal Court of Justice (BGH), any medical intervention constitutes bodily injury under the elements of the offense (BGHSt 11, 111; 12, 379; 16, 303; 43, 306; 45, 221). The injection of Comirnaty into the victim's body fulfills the objective elements of § 223(1) StGB as physical abuse (puncture, introduction of a foreign substance) and as harm to health (induction of a pathological condition through the toxic components). Causality is established by the close temporal correlation, the absence of specifically identifiable alternative causes, the documented contamination (Kämmerer et al.), the massive statistical clustering among the three batches (28,159 PEI reports), the OEB5 classification, and the scientific findings regarding the pathogenicity of the spike protein and the genotoxicity of the LNP.

Under criminal law, the causal link must be assessed according to the **conditio sine qua non formula**: The administration of the contaminated batches cannot be disregarded without the resulting health damages ceasing to exist. The **theory of adequacy** is also satisfied: Based on general life experience, the administration of a product contaminated with pDNA, SV40, and toxic LNP is capable of causing health damage—especially since the manufacturer itself classified the substance as OEB5 (highly toxic at 1 µg or more). **Objective attribution** is

established, since the outcome that occurred was precisely the result of the unlawful risk created by the defendants.

2. Illegality—Invalidity of Consent

To be justified, the injection required valid consent, which presupposes proper informed consent (established case law, BGHSt 11, 111; BGH NStZ 1996, 34). According to the prevailing view in case law and legal scholarship, **active deception** regarding the nature of the procedure always renders consent invalid (*MK-StGB/Schlehofer, preamble to § 32, para. 153; Schönke/Schröder/Sternberg-Lieben, preamble to §§ 32 et seq., para. 46; Roxin, Criminal Law AT I, § 13, para. 73; Fischer, StGB, § 228, para. 10*).

In the present case, the victims were deceived regarding:

- the **therapeutic benefit** (protection against infection and transmission, which never existed—as Spahn himself admitted on December 15, 2025) (There was no valid consent to this bodily injury in a single case, as all complainants were under the mistaken belief that the substance ensured protection against infection and transmission of the SARS-CoV-2 virus (). Under no circumstances would even a single person have gotten vaccinated if they had been told that the course of the disease might be alleviated. To this day, this claim of protection is not part of the declared scope of use for the Comirnaty product; rather, it only emerged once it became clear that there was no protection against infection or transmission and, furthermore, that starting in the fourth month, the immunological status of vaccinated individuals was worse than that of unvaccinated individuals (see, among others, the Cleveland study). Consequently, there is no valid informed consent.)
- the **composition and quality** (deviating production process, pDNA contamination, SV40 oncogene, untested LNP toxicity). The product integrity of the batch produced in Process 1 was 78 percent, and the product integrity of the batch produced in Process 2 was 55 percent. For a genetically engineered product, this is a catastrophe if 45 percent of the nucleic acid fragments encoded something other than the Wuhan 1 spike protein S,
- the **risk profile** (OEB5 classification as highly toxic, +1 frameshift caused by N1Ψ, persistence of the spike protein for months to years, lack of animal testing with suitable mouse strains),
- the **nature of the product** (a gene therapy product declared as a “vaccine” even though it contains no antigen and transforms the recipient’s cells into protein factories).

The consent was therefore invalid; the bodily injury was unlawful.

3. Subjective Elements of the Offense

At least **conditional intent** (*dolus eventualis*) is present. Conditional intent requires that the perpetrator recognize the occurrence of the result as possible and accept it with approval (*established case law, BGHSt 36, 1, 9 f.*). The defendants' knowledge is evident from: the APA risk warnings, the animal experiments on rhesus macaques, the OEB5 classification, Spahn's admission, the FDA adverse event summary as of April 2021, PSUR#1 (*July 2021, over 300,000 adverse event reports*), and the death reports received starting in January 2021, which rose to well over 3,000 in the first year. Driven by greed, neither the board members of BioNTech SE nor the managing directors of BioNTech Manufacturing GmbH took any action. The same applied to the PEI, which, like the manufacturers, stated that it could not keep up with the flood of suspected adverse event reports involving severe side effects and deaths. The manufacturer BioNTech stated that it had only managed to select and evaluate 100,000 of over 300,000 suspected adverse event reports.

II. Aggravated Assault, Section 224(1)(1), Alternative 2 of the German Criminal Code (StGB)

A "*substance harmful to health*" is any substance that, taking into account all the specific circumstances of the individual case, is capable of causing significant harm to health (BGH NJW 2006, 1822, 1823 et seq.; BGH NStZ 2010, 276). The batches contain: pDNA (hundreds to thousands of ng per dose), SV40 sequences with oncogenic potential, a substance classified as OEB5, cationic lipid nanoparticles with proven cytotoxicity and genotoxicity (Azarnezhad et al., 2020; Knudsen et al., 2015), and modRNA containing N1Ψ, which triggers +1 frameshifting and aberrant protein production (Mulroney et al., 2024). Intramuscular injection is the classic method of "administering" a substance into the body.

III. Serious Bodily Injury, Section 226(1) of the German Criminal Code (StGB)

To the extent that victims suffered permanent serious consequences—loss of hearing, paralysis, blindness, inability to work—§ 226 StGB is satisfied. Predictability is derived from the OEB5 classification and the large number of detailed reports of serious suspected adverse events—unprecedented in medical history—that began pouring in immediately starting in January 2021, relative to the number of administrations. Never before in medical history has a vaccine caused so many cases of injury and death in such a short period of time.

IV. Bodily Injury Resulting in Death, Section 227(1) of the German Criminal Code (StGB)

The deaths constitute a violation of § 227 StGB. The at least reckless causation (§ 18 StGB) stems from the glaring disproportion between the product—classified as highly toxic—and the nonexistent therapeutic benefit within the declared scope of application. To enable this, the Comirnaty safety data sheet was not disclosed to anyone in 2021.

V. Commercial Fraud, §§ 263(1), (3), sentence 2, no. 1 StGB

1. Deception Regarding Facts

The deception extended to the therapeutic benefit (ARR 0.7% instead of the touted 95%, which was presented as absolute efficacy in advertising), the quality (pDNA, SV40, incorrect mouse models in preclinical trials), the safety profile (OEB5, LNP genotoxicity, spike protein persistence), and the nature of the product (a genetically engineered product marketed as a “vaccine” because the manufacturer affixed a “vaccine” label to a toxin).

2. Misconception

Those not in the know—including the European Commission, the German federal government, nearly all doctors, and the general public—were under the misconception that this was a highly effective preventive vaccination that could ensure protection against infection or transmission, which was never the case.

3. Disposal of Assets and Financial Loss

Procurement contracts totaling over 35 billion EUR via the EU via text message; profits of over 20.6 billion EUR each for BioNTech and Pfizer. A triangular fraud at the expense of taxpayers. The defendants Sahin and Turice alone are alleged to have subsequently withdrawn more than 12 billion EUR in profits for themselves from a company that had previously been on the verge of insolvency.

4. Commercial Nature

Systematic, repeated supply aimed at generating long-term income (BGHSt 50, 347).

VI. Breach of Trust, § 266(1) StGB

The political officials responsible for procurement—in this case, the federal government—and specifically Dr. Angela Merkel, violated their duty to safeguard public assets through the procurement process, despite being aware of the lack of evidence. This is all the more true given that 10 times the amount actually needed for Germany was ordered from BioNTech/Pfizer—without any parliamentary oversight of the procurement process—solely for

the purpose of enriching BioNTech, Pfizer, and their shareholders. Bill Gates alone, a co-financier of all vaccines, is said to have pocketed a net profit of over 25 billion euros through his stock speculation, in which he benefited from his insider knowledge and knew how to sell his BioNTech SE shares at the peak of the stock price. Bill Gates was also centrally involved in the media campaigns and was allowed to speak for 7 minutes as an “expert”—by virtue of his investments—on the virus and the vaccines on the news program *Tagesthemen*, and compliance with Section 3 of the German Health Promotion Act (HWG), Section 14 of the HWG, or Section 14 of the Press Code, because Gates appears to operate far outside the scope of German law and was the primary beneficiary as an investor in all suppliers and in BioNTech itself. In September 2019 (because he knew what was coming), he purchased BioNTech shares for approximately \$55 million at a price of \$18.10 per share, totaling 1,038,674 shares. All but 148,674 of these shares were sold in Q3 2021 for slightly more than \$300 per share. That represents a 473% return on investment. As the key organizer and participant in all the arrangements (Christopher Elias of the Milinda & Bill Gates Foundation had been an advisor to the BMG since 2017), Bill Gates had an overview of the situation and held some of the control. This allowed him to sell his shares even before the first lawsuits were filed against BioNTech, while everyone else witnessed the stock’s crash in early 2022; the stock never reached those heights again and now trades at approximately 80 USD. Both the shareholders and the respective management of the potential defendants in question thus had a vehement interest in maximizing sales far beyond any theoretical utility, since 10 vaccinations per person in Germany were—and still are—absolutely absurd. The damage to taxpayers runs into the billions. Gates interfered daily in German media coverage and paid over 3.5 million EUR to *Der Spiegel* to, among other things, defame the undersigned in an article.

Such senseless acts of over-procurement also raise suspicions of corruption, especially since the second order worth over 35 billion EUR was processed via text messages from Ms. von der Leyen, and there must have been officials in the German federal government—presumably Ms. Merkel—who approved this procurement. To this day, the four individuals who negotiated the procurement contracts on behalf of the Federal Republic of Germany have not been named. The contracts read like a wish list from the vaccine manufacturers, without any regard for the safety or the rights of taxpayers and vaccine recipients.

VII. Criminal Offenses Under the AMG and HWG

Section 95(1)(1) in conjunction with Section 5(1) of the German Medicines Act (AMG) (placing questionable medicinal products on the market); Section 96(3) in conjunction with Section 8(1)(2) of the German Medicines Act (AMG) (misleading labeling); § 14(1) HWG in conjunction

with § 3 HWG (criminal misleading advertising of medicinal products), liability under § 8 AMG in conjunction with § 9(2), second sentence, AMG, form the basis of the level of deception underlying all procurement acts and the quantity, at a minimum, with the intent to enrich a third party.

VIII. Complicity and Aiding and Abetting, §§ 25(2), 27 StGB

According to established case law of the Federal Court of Justice (BGH), an accomplice is anyone who makes a personal contribution to the offense and intends the offense to be his or her own (BGHSt 37, 289, 291). This conscious and intentional collaboration is evident from the APA contract structure, the joint marketing campaign, the political and communicative support, and the systematic (*presumably on instruction*) failure to monitor. The responsible officials are liable as accomplices by omission (Section 27 in conjunction with Section 13 of the German Criminal Code (StGB)). The offense is secured by having the PEI/ZEPAL act as the litigation financier for the vaccine manufacturers <https://multipolar-magazin.de/artikel/corona-haftungsfreistellung>, thereby ensuring that the self-interest is great enough to suppress all data necessary for the injured parties to win their lawsuits under § 84a AMG. This, in turn, also means that pharmacovigilance obligations—presumably on the instructions of the Federal Minister of Health or the President of the PEI pursuant to § 13(5) IfSG—are only carried out negligently or, for the most part, not at all, and are subsequently not disclosed. In this way, the PEI also serves to safeguard the fruits of the crime.

IX. Organizational Control by Virtue of Management Authority

For the defendants in Groups 1 and 3, indirect perpetration by virtue of organizational control may be considered (BGHSt 37, 106; 40, 218; 48, 331). The physicians who carried out the acts were interchangeable, relied on the accuracy of the prescribing information, and were providing essential public services. They were thus unwitting tools of all the defendants who exercised control over the crime, particularly defendants 1 through 5.

X. No Bar Effect of the Conditional License

Article 15 of Regulation (EC) No. 726/2004 does not affect liability under national law. Moreover, marketing authorization does not preclude criminal prosecution. The authorization was granted on the basis of erroneous data provided by the manufacturer (undeclared production process, incorrect plasmid, BALB/c mice instead of huACE2 mice), which, pursuant to Article 17 of Regulation (EC) No. 726/2004, is solely responsible for the data used in the authorization procedure.

G. Evidence

I. Testimonial Evidence

1. Witness statements by the complainants (Annex 1)
2. Expert testimony by Prof. Dr. Ulrike Kämmerer (contamination analysis), Annex 3
3. Data security disc containing the manufacturer's statement regarding OEB5: "highly toxic at 1 microgram or more"
4. Expert opinion by Prof. Dr. Klaus Steger
5. Expert testimony by pharmacologist Dr. Wagner-Taupitz
6. Expert testimony by PhD Kevin McKernan (discovery of the plasmid)
7. Expert opinion by Prof. Dr. Wiesendanger
8. Expert opinion by Prof. Dr. Piper
9. Expert testimony by Dr. Sabine Stebel (protein design, protein engineering)
10. Expert testimony by Dr. Sabine Stebel regarding errors in the spike protein design
11. Witness Christiane Cichy (mdr)
12. Witness Susana Santana (ZDF)

II. Documentary Evidence (List of Exhibits)

- **Exhibit 1:** Conditional Approval of Comirnaty
- **Exhibit 2:** Annexes I–III to the conditional authorization; GMP authorization for Marburg
- **Exhibit 3:** EMA response letter dated October 18, 2023
- **Exhibit 4:** APA procurement contract
- **Exhibit 5:** DESTATIS Profit Analysis
- **Appendix 6:** Olliario/Torreele/Vaillant, The Lancet Microbe 2021
- **Appendix 7:** Pollack et al., N Engl J Med 2020
- **Appendices 8–14:** Studies on the negative efficacy trend
- **Appendix 15:** Mead/Seneff/McCullough, Lessons Learned 2024
- **Appendix 16:** Kämmerer et al. 2024 (Contamination Analysis of the Three Batches)
- **Appendix 17:** Speicher/McKernan (35 additional batches)
- **Appendix 18:** BioNTech's own declaration regarding Process-2 contaminations
- **Appendix 19:** ZKBS Statement on SV40
- **Appendix 20:** FDA Interim Report, April 30, 2021
- **Appendix 21:** MedBVS
- **Appendix 22:** Batch Analysis of PEI Report Data (28,159 reports)

- **Appendix 23:** Complete Chronology (50 points)
- **Appendix 24:** Prior Offenses of Pfizer Inc.
- **Appendix 25:** Parry et al. 2023 (Spikeopathy)
- **Appendix 26:** Azarnezhad et al. 2020 (LNP toxicity, Critical Reviews in Toxicology)
- **Appendix 27:** Patterson et al. 2023/2024 (Spike persistence, Frontiers in Medicine)
- **Appendix 28:** Schreckenbergl et al. 2024 (cardiotoxicity)
- **Appendix 29:** Schwab et al. 2023 (autopsy-based myocarditis)
- **Appendix 30:** Wagner et al. 2021 (Vaccines, PMID 34358163) – the inaccurate claim regarding huACE2 mice
- **Appendix 31:** TGA document (foi-2389-03-1.pdf, pp. 175–176) – Evidence of the use of BALB/c mice instead of huACE2
- **Appendix 32:** Theuerkauf et al. 2021 (iScience, PMID 33585805) – PEI’s own findings on cell fusion mediated by the spike protein
- **Appendix 33:** Stebel, “Working with Professionals for Once” (2024) – Analysis of incompetence in protein design
- **Appendix 34:** Stebel, “Basic Rules of Protein Design” (Space and Time, 2024)
- **Appendix 35:** Mulroneyl et al., Nature 2024 (N1Ψ-induced +1 frameshifting)
- **Appendix 36:** BioNTech/Pfizer Nonclinical Overview (p. 20: no studies on RNA/protein metabolism)
- Additional appendices as the investigation progresses

The undersigned is available at any time by phone at 0177-9705289 to assist with the investigation regarding all relevant offenses.

Tobias Ulbrich
Attorney at Law