

Germany: Duisburg state prosecutor discloses charges in Love Parade disaster

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18 February 2014

On February 11, the state prosecutor in Duisburg laid charges at the Duisburg state court in connection with the Love Parade disaster in the summer of 2010. The results of his investigation were presented to the public the following day.

On July 24, 2010, 21 people were crushed to death at the Love Parade music festival, held on the grounds of a closed train station. Those officials responsible for organising the event bear major responsibility for the deaths, having sacrificed the safety of the participants to the pursuit of their own business interests.

Proceeding from the premise that top officials should walk free while those lower down on the chain of command are punished, the indictment is yet another affront to the relatives of the victims and the hundreds of others who were affected.

From a total of 16 people originally investigated, 10 have been indicted—six city employees and four individuals from the firm of Lopavent, which organised the music festival on behalf of the owner of the fitness chain McFit, Rainer Schaller.

Neither the mayor of Duisburg at the time, Adolf Sauerland (Christian Democratic Union—CDU), nor McFit head Schaller has been charged. No investigation was even conducted into their roles. Schaller, who intended to use the event as an advertisement for his fitness chain, and Sauerland, who saw it as a chance to promote the city, are to appear as witnesses.

Proceedings against Sauerland's head of regulations, Wolfgang Rabe, were halted, as well as those against the crowd manager from Lopavent, Carsten Walter, who was tasked with overseeing the entrance to and exit from the grounds. No one from the ranks of the police is to be pursued. In the state prosecutor's 2011 interim report, Police Director Kuno Simon was named as a suspect. Horst Bean, the head of the state prosecutor's office, justified the change in regard to police officials by saying

the police had carried out appropriate measures.

The results of the investigation were presented at the city's large concert hall, the Rheinhausenhalle, to accommodate media interest.

According to its own sources, the state prosecutor's office employed 100 investigators for almost three-and-a-half years to view 1,000 hours of video, take 3,400 witness statements, and evaluate 404 terabytes of data, including e-mails between the city and Lopavent.

City workers are now being charged who took their orders from then-mayor Sauerland and his head of regulations, Rabe.

Those charged include the former head of the Department of Town Planning and Building Regulation, Jürgen Dressler (Social Democratic Party—SPD), the head of the Office for Building Regulation and Advice, Anja Geer, and four other city employees. They are charged with involuntary manslaughter and causing grievous bodily harm. People associated with Lopavent who have been charged include the overall head, the head of production, the head of security and the technical head of the Love Parade.

According to state prosecutor Bean, Sauerland, who was voted out of office in a referendum initiated by the citizens two years ago, stated at a hearing in March 2012 that he had played no role in the organisation of the Love Parade. Various department heads had been responsible, he claimed.

Bean said no evidence had been presented indicating that Sauerland had played a role in the inadequate planning or that he had authorised measures in breach of the law. "He had to trust the judgment of his colleagues," the state prosecutor declared.

The same argument was made in relation to McFit owner Rainer Schaller, who, like Sauerland, denied any responsibility for the deaths. Schaller said he had handed over responsibility for practical questions related to the

organisation of the event to eight employees of Lopavent and had not intervened in the planning.

Although the head of regulations, Rabe, as overall coordinator of the Love Parade, had influence on the planning process, it was not his duty to review building regulations, Bean stated. "He was not responsible for everything that went on in the other departments," the state prosecutor declared.

The news magazine *Der Spiegel*, which reported on the 37,000 pages of investigative files at the end of January, reached different conclusions. *Der Spiegel* reported that Rabe received a letter from a top official in his office, Hans-Peter Bölling, who downplayed the problem of finding a secure route for the Love Parade and emphasised the value of the event as a means of boosting the city's image and generating hard cash.

When, however, it was confirmed in the fall of 2009 that the Love Parade was to take place on the grounds of the old train station, Bölling warned his boss that if something went wrong, the result could be criminal prosecution. Rabe was of the opinion that the grounds were too small and the escape routes much too narrow. As late as February 2010, he threatened to call the event off.

However, Lopavent said it would cordon off the grounds. Rabe, as security head, was thereby released from direct responsibility. With the barriers, an event in a public space was turned, in legal terms, into an event in a closed space, such as a stadium. This meant that the head of the Department of Town Planning and Building Regulation, Dressler, who has now been charged, was responsible.

Rabe then took on the task of forcing through Sauerland's plan to hold the Love Parade in Duisburg in the face of opposition from the Office of Building Security, the police, the fire department and other official bodies. This has been well documented and was already known shortly after the Love Parade.

Der Spiegel cited e-mails between Lopavent and the city that provide a picture of the authorisation procedure.

Lawyers for Schaller's firm portrayed the head of the Office of Building Regulation as the main opponent in an April 2010 e-mail. The suggestion that Lopavent should count the precise number of those attending the festival was a "ridiculous idea," the e-mail stated. The more "we can control," the greater the responsibility of Lopavent in the end, it argued. The responsibility should lie with the city, because there one could "play the authorities against each other."

It was suggested that the projected number of attendees

be underestimated.

According to *Der Spiegel*, the head of the Office for Building Regulation and Advice, Anja Geer, stipulated that the organiser had to count the number of attendees while seeing to it that no employee of the Office of Building Security was sent to the Love Parade to oversee this. "I find this solution just perfect," wrote Geer to a colleague.

At a meeting on June 18, 2010, just one month before the Love Parade, Geer insisted on compliance with stipulations regarding escape routes, but Rabe made the notorious statement that the mayor wanted the event and it was better "to work together constructively to find solutions."

As late as the morning of the event, Rabe toured the grounds and confirmed that the ramps between the barriers, where 21 people would later die, were only 11 metres wide instead of the required 18 metres. But, according to state prosecutor Bean, this was insufficient to warrant that Rabe be charged.

"We haven't been searching for political or moral responsibility," stated Bean at a February 12 press conference announcing the charges. As the state prosecutor for Duisburg, he had to focus on what was verifiably criminal, he declared.

The pending proceedings could become one of the largest trials in German legal history. They will not begin until next year, following a review of the prosecution's charges by the state court. It is expected that the defendants will defend themselves with the claim that they acted on instructions from higher up. In the end, the victims will remain regrettable "collateral damage."

Relatives of the victims consider the prosecution to be another slap in the face. Jörn Teich from LoPa 2010, an initiative started by people affected by the Love Parade disaster, told the press that "the worst fears of those affected and the relatives" were being realised. It was "the catastrophe after the catastrophe" that those who were really responsible were not being criminally prosecuted.

At the initiative of the state prosecutor, relatives of victims were not allowed to take part in the February 12 press conference. They had to stand outside the hall.



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