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Three fundamental criminal court rulings must be mentioned when reporting about avalanche accident-related jurisdiction in Germany.

In the voluntary sector: two avalanche accidents occurred due to events of the German Alpine Club (Deutscher Alpenverein, DAV). One avalanche accident took place at an individually organized, private ski tour.

1. The local court in Laufen was to judge the avalanche accident at the Sulzkogel mountain (Stubai Alps) that occurred due to a mass ski tour of the DAV section. The three DAV ski tour guides were charged with negligent homicide by the Traunstein district public prosecution authority. The charge by the prosecutors was rejected by the local court in Laufen (ruling dating March 06, 2006, case/file no. 2, criminal proceedings at panel of lay judges: 260, preliminary proceedings: 27482/05). The ski tour in question was not a classic guided tour but a joint undertaking where every ski tourer takes part at her/his own risk. For joint ski tours, ski tour guides are only responsible for the organization of the tour, however, they cannot be held liable during the tour in terms of leadership responsibility. Thus, the avalanche accident was a consequence of autonomous self-endangerment of the injured skiers.
2. The regional court in Traunstein was to judge the avalanche accident at the Kreuzkopf mountain (Upper Tauern) that occurred also due to a mass ski tour of the DAV section. The court assumed factual leadership activities of the sued DAV tour guide although there was no public guided tour officially published. This was the case since the tour guide legally claimed responsibility during the tour itself.

After comprehensive evidence taking, the tour guide was acquitted (ruling dating October 07, 2011, case/file no. 3, appeals in criminal cases: 110, preliminary proceedings: 15289/08). Here, for its final ruling, the court dealt with the following question: Which criteria serve to determine the actual avalanche hazard? The court decided against an exclusive assessment by "strategic methods" (such as e.g. "3x3 avalanches", "Stop or Go", or "Snow Card"). Moreover, it voted in favor of due consideration of all relevant circumstances. In this context, also the behavior of one participant needs to be considered who - against preliminary talks and agreements - cut into the accident site slope and thus released the critical snow slab.

3. The local court in Garmisch-Partenkirchen was to judge the avalanche accident at the Scheinbergspitze mountain (Ammergau Alps). Here, a ski tourer cut into the steep slope just below the summit while, at the same time, another ski tourer from another group crossed the very same slope laterally at half the height. She subsequently skied off crossing this slope. As a result of the terrain's structure, the ski tourer below was not discernible for the ski tourer cutting into the slope from above. The ski tourer skiing in from above released a snow slab that caught the ski tourer riding along below. She was buried by this avalanche.

The local court in Garmisch-Partenkirchen sentenced the ski tourer who had released the snow slab because of bodily injury caused by negligence (ruling dating June 07, 2016, case/file no. 10, penalty orders: 12, preliminary proceedings: 30961/15 (2)). Danger level 3 had been issued with the avalanche bulletin, thus avalanche hazard was clearly recognizable. The danger level applies irrespectively of the specific danger sites illustrated by the avalanche bulletin. The culprit could not see the skier; however, he should have anticipated laterally crossing of the slope by other skiers at any point in time. The slope already showed several crossing tracks by skiers. The court did not ask for an avalanche-based scientific expert report.

The accused filed an appeal with the court and criminal proceedings were closed by the regional court Munich II upon voluntary payment of a fine by the culprit (ruling dated October 24, 2017).