

**On 24 July 2017, the press spokesman of the Regional Court and the spokeswoman of the Duisburg public prosecutor's office were available to answer questions asked by surviving relatives and others affected by the Love Parade disaster concerning the trial procedure. We have summarised the most important questions and answers once again here.**

**At what time does a day begin during the trial?**

That is decided by the court. Usually a trial day begins between 9:30 a.m. and 10:30 a.m. At the start of the trial large crowds are to be expected. Therefore, parties to the proceedings, but also spectators should be there one to two hours beforehand. Admission controls will be carried out. Joint plaintiffs will be informed, with their summons, in writing about the time of the start of the trial.

**Have I as a joint plaintiff a guaranteed seat?**

Yes. Every joint plaintiff has a seat for himself/herself and, if necessary, for his/her lawyer. The seat will also be kept free if a joint plaintiff does not attend on one or more days.

**If I, as a joint plaintiff, bring a member of the family with me to the trial, is he/she then entitled to a seat?**

No, he or she is then part of the general public and is given a seat only within the scope of availability.

**Am I, as a joint plaintiff from abroad, provided with an interpreter?**

Joint plaintiffs who do not have an adequate command of the German language can apply to the court for the appointment of an interpreter for the time of the trial. Joint plaintiffs should clarify the details with the court – if necessary through their lawyers.

**What rights do I have as a joint plaintiff?**

Joint plaintiffs are entitled to be present on every day of the trial. Within the scope of the rules of procedure they can also ask questions and call for the admission of evidence. If the trial is terminated with a judgement with which the joint plaintiffs are not satisfied, they have the right to lodge appeals. This, however, applies only to a limited extent. Joint plaintiffs cannot base their appeal on the fact that in the event of sentencing a more severe sentence is to be imposed and they can lodge an appeal only to the extent that their position as a joint plaintiff is concerned.

**Can I, as a joint plaintiff, call witnesses?**

Joint plaintiffs can make applications for the admission of evidence. This also includes their being able to hear witnesses on specific facts. The court makes decisions on the applications.

**May I as a joint plaintiff question witnesses?**

Within the scope of the rules of procedure, besides the court, the public prosecutor's office and the defence counsels and the joint plaintiffs are, as a matter of principle, entitled to question witnesses. In the specific negotiating situation only that person can ask questions to whom the presiding judge has granted the right to ask questions.

**Who bears the cost of travel incurred by the joint plaintiffs?**

This should most certainly be clarified with the court beforehand.

**In the event of legal remedies being sought at the end after a judgement: who makes the decision on this?**

The legal remedy is the appeal. The decision on this is reached by the Federal Supreme Court in Karlsruhe.

**Am I, as a witness from abroad, provided with an interpreter?**

Witnesses from abroad are provided with an interpreter only during their questioning by the court.

**Are trial observers/visitors from abroad entitled to an interpreter?**

No.

**Is it possible to learn beforehand which particular days are the relevant days for the trial?**

For the court, every day of the trial is important. When certain witnesses are questioned is the sole responsibility of the court's planning.

**How long will the trial take?**

That cannot be forecast. The judges want to negotiate three days a week. But interruption periods for the trial participants are also to be included in the planning.

**What happens if the trial has not been completed by July 2020?**

Then the absolute statute of limitations applies and a judgement is delivered that only states that the statute of limitations applies.

**Does the absolute statute of limitations also apply if by then there has been a judgement, but an appeal has been lodged?**

No. If before the application of the time-bar under the statute of limitations a judgement has been passed, the statute of limitations can no longer apply. The appeal procedure will then be followed in any case.

**Can I make claims under civil law such as claims for damages also in the criminal trial?**

That is possible under certain circumstances (“parallel proceedings”). This should be the subject of consultations with one’s lawyer.

**Why were charges not preferred against the Mayor at that time, Adolf Sauerland and the Managing Director of Lopavent GmbH, Rainer Schaller?**

Because the investigations carried out at great expense and with significant effort, during which also the roles of the Mayor at that time and of the Managing Director of Lopavent GmbH were closely examined, did not yield any indications that the latter were involved in the planning, approval and holding of the event in such a way that they could be accused of guilt in the criminal law sense.

**Can charges be pressed again if it should emerge during the trial that there are other persons responsible?**

No, as to that extent the time-bar limitation of criminal proceedings has already occurred.

**Why do the ten accused have 24 defence lawyers?**

During a trial of such a long duration, effective defence must be ensured at all times. During the long duration of the trial to be expected it can happen that a lawyer is prevented from attending. If no defence lawyer is present, the case cannot be heard. For this reason, further defence lawyers are to be appointed.

**Will all 3400 witnesses be heard in court?**

All the statements have been received by the court. The court will first make decisions concerning the questioning of witnesses. Following that the participants in the proceedings will have the opportunity to call for the admission of evidence, see above.

**Who bears the costs incurred by the joint plaintiffs?**

That is decided by the court at the end of the proceedings. In the event of the sentencing of the accused, the code of procedure provides as a matter of principle for the accused bearing the cost of the proceedings. According to the law this also, as a matter of principle, includes the costs of the joint plaintiffs. If the accused are acquitted or the proceedings are discontinued because of the statute of limitations, the joint plaintiffs who do not receive any legal aid, will have to expect that

they should bear their own costs. It is imperative that the problem of costs be discussed with your own lawyer before the start of the trial.

**Can the public prosecutor's office prevent the trial being delayed by the defence lawyers so that the absolute statute of limitations applies?**

The court decides when the taking of evidence is closed. The public prosecutor's office will, however, - within the scope of its legal possibilities – work towards swift progress of the proceedings.

**Can I also refer the matter to the European Court of Justice?**

For that the legal process in Germany must first be exhausted.

**Where will the trial be held?**

In Congress Centre Ost (East) near the exhibition halls in Düsseldorf.

**How big is the room?**

There will be space for approximately 500 persons.

**Can the room be seen beforehand?**

There will be a date for prior inspection by participants in the proceedings, that is, also for all joint plaintiffs.

**Do I, as a joint plaintiff, require a lawyer?**

No.

**Is there a time limit for becoming a joint plaintiff?**

No, theoretically this is still possible also during the trial. However, a certain lead time is recommended.

**Will my legal expenses insurance bear my costs?**

About that you should ask your insurance concerning your particular case.

**Can I apply for legal aid?**

As a matter of principle, a joint plaintiff can receive legal aid. For that purpose, a form containing information on the personal financial situation is to be submitted to the court. Whether the prerequisites for the granting of legal aid are met, is examined by the court in each case.

**What happens if I am named as a witness but, due to the physical consequences of the happenings during the Love Parade, I am unable to go into a room containing lots of people?**

The court must without fail be informed of this at an early stage. The court will then seek solutions with which the witness's health can be protected.

**What admission controls will there be?**

Comparable with the controls at an airport. On that a statement is yet to be issued by the court. There will also be a statement issued on what items people may take with them into the courtroom.

**How many seats are there in the hall?**

There are about 500 seats in total, of which approx. 50 are for the accused and their defending counsel, about 100 for joint plaintiffs and their representatives. The rest are available for the public and the press. A certain number of seats will probably be reserved for accredited journalists. The exact number of seats for the press is yet to be announced.

**Will there be any protected areas?**

Yes, for the joint plaintiffs, injured and surviving dependents and relatives, an area of retreat will be made available.