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# 155

THE KAPRUN COVER-UP

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Cover and Layout: Hidsch  
Editor: Marion Knobloch  
Translator: Laura Freeburn

Set in *Premiera*

1 2 3 4 5 6 — 23 22 21 20

ISBN 978-3-99001-465-3

**edition a**

*This book is the result of years of research by the authors into the background of the Kaprun funicular railway disaster. It does not claim to be a complete account.*

*It was not written to assign blame to individuals, but rather to provide insight into the operation of the legal system, in which truth may be a subordinate category.*

*The facts used in the book come from the court records, the investigation reports of the German public prosecutor's office in Heilbronn and the Baden-Württemberg state police force, from other documents made available to the authors, and from explanations shared with the authors by people involved. The authors provided everyone whose name appears in connection with the case with excerpts from the manuscript concerning them so that they could check the facts and correct them where applicable. Only a few made use of this opportunity.*

*Some people's names have been changed or omitted to protect their privacy. Passages of dialogue in this book are there to clarify the actual events, situations, or assessments and are in some cases imagined or simplified.*

*The records, documents, and photos used for this book can be seen on the homepage [www.155.at](http://www.155.at) .*

*"To the living we owe respect, but to the dead we owe only truth." (Voltaire, 1785)*

## **Prologue**

"How wonderful life can be, even without a professional routine. I'm finally free!" I cried out with all my heart while cycling along the Mur river in the bright sunshine.

I remember this moment in June 2011 so well because that was the day I first became conscious of my new freedom. My husband and I, along with a married couple who were friends of ours, had begun a one-week bicycle tour of Styria starting from the Stickerhütte in Lungau, Salzburg. It was the first vacation of my new life; I was still adjusting to being retired.

I had left my job with mixed feelings, which even the official parting expressions of thanks from my supervisors and colleagues could not dispel. They talked about my great dedication and a successful thirty-two years of work for the Salzburg judiciary. That also included the Kaprun case, which took over my life starting on November 11, 2000, the day of the disaster, and which I never felt I could regard as a success—quite the opposite. At the time I retired, the well-informed Salzburg journalist Sonja Wenger wrote, "According to well-meaning colleagues, she was shamelessly harassed. She was muzzled, constantly accused of violating public services law, and even accused of trying to manipulate those who were critical of the Kaprun proceedings."

Late in May of 2011, my colleagues held a small party to wish me goodbye. Now I was no longer up against a judiciary that offered only weak resistance to ever-growing political interference. When I first entered the judicial service with high ideals in 1971, there was still a different culture, one that allowed the administration of justice to proceed with more independence. Today, many of my colle-

agues are suffering from the creeping dismantlement of the separation of powers that has been evident in Austria for some time and is not only weakening the parliamentary system but also increasingly capturing the judiciary. I am particularly sorry to see party-political careerism on the rise among some of my colleagues.

Our group of four biked up a small hill, stopped, and enjoyed the expansive view. I got so wrapped up in the beautiful scenery that I fell behind the others. When I noticed they had moved on, I pedaled hard to catch up. But I had too much momentum on the way down and the handlebar swerved. I rammed into the bike ahead of me, fell over and lost consciousness. When I woke up again, I was sitting at the side of the road, felt a pain in my shoulder and saw scrapes on my arm. My husband and our friends had immediately called a taxi, which we were now waiting for. When it came, it took me to a nearby hospital, where I was very kindly received and examined. The doctor on duty diagnosed me with a fractured collarbone and a concussion and admitted me for inpatient care.

The next morning I woke up feeling dazed and was happy to see my husband and our friends sitting by my bedside. We were just talking about the unexpected end to our cycling tour when the door opened and another doctor came in.

"We've met before. Kaprun," he said.

I remembered him right away. As public prosecutor, I had noticed the man at the court proceedings several times. Along with many other relatives of the victims, he had followed the Kaprun trial in astonishment and disbelief and experienced the acquittals with a sense of helpless dismay.

"I lost my son in Kaprun," he said. "He wanted to become a doctor and follow in my footsteps. Now he's dead."

With these words, the emotions of more than ten years of pent-up frustration and anger came flooding out of this despairing father. Along with everyone else the victims had left behind, he not only had to cope with the death of someone he loved, but also with the

experience of standing by powerlessly during court proceedings. It seemed to him the defendants engaged devious lawyers and questionable expertise to evade responsibility and gain acquittal in the end. In his understandable anger at the Austrian judicial system, he heaped accusations on me. He accused me of approving of the acquittal of all the defendants and being in league with them. Then he ran out of the room.

When my husband, who is also a doctor, started getting upset, I held him back. "How would you have behaved if your son had died in Kaprun and the court let the people who have his death on their conscience go free? He doesn't know anything about my struggle against the verdict. He just sees me as part of an unfair judicial system that covered up for the people who were responsible for the Kaprun disaster and suppressed the truth."

Images of Kaprun, which I preferred not to think about, came back to me then. I remembered November 11, 2000—the day of the worst disaster in the history of the modern Austrian Republic—as if it were yesterday. Once again, I saw the horror on the faces of parents and relatives as it dawned on them that their children and spouses would never come back. Then memories of the trial overwhelmed me and I saw incidents and scenes from the courtroom as if I were watching a film. Finally, I remembered the delivery of the verdict, which was burned into my mind forever.

Once again I lived through the moment when the bereaved families realized in disbelief that the judge had just declared all the defendants not guilty of the deaths of their loved ones. I had never seen a courtroom full of people collapse in shock, weep with despair, or run out in anger the way I did after that verdict. I had never experienced a verdict that attracted so much scorn, first in Salzburg, then worldwide.

I sat up in bed. My shoulder still hurt and so did my head. "I understand that man," I said. "He just made it clear to me that Kaprun is not over."

That experience in the hospital in Styria has not left me. Many touching experiences with relatives of the victims are also fresh in my mind. So is the unimaginable horror of this unforeseeable, violent intrusion into their lives.

It was only when I met the doctor at the Styrian hospital that I realized my matter-of-fact attitude could have given some relatives of the victims the impression that I cared very little or not at all, or even that I approved of the verdict. Neither of these is true, but I feel responsible for the fact that anyone might have seen it that way. So I would like to assure everyone that, after the legally binding conclusion of the Kaprun proceedings, further ones took place that were not open to the public and were not a focus of the victims' families. In my view, the suspension of the proceedings against the experts and a failed motion for reconsideration prevented a complete and non-contradictory account of the Kaprun criminal case from coming to light, although German authorities did thoroughly discredit the Austrian expert reports. This has caused suffering for many and will continue to do so.

After much hesitation, I therefore decided to support the authors, Hubertus Godeysen and Hannes Uhl, in their research.

*Dr. Eva Danninger-Soriat*

## Chapter 1

*Kaprun, summer 1994*

"What a mess," says the hydraulic technician, lying on his back and looking through a small hole at the legs of two electricians above him in the attendant's compartment. "How am I supposed to lay pipes here?"

The only answer from above is unintelligible muttering.

This isn't how Hans Unterweger had imagined his day. For weeks, he's been working in Kaprun on the undercarriage of the train. With two colleagues, he's laying hydraulic oil pipes in the steel skeleton. Four independent systems. The job is almost done. The only thing missing is the train itself, constructed that summer less than 200 kilometers away in Oberweis in the Salzkammergut. Today, the giant package arrived in Kaprun, two 15-meter-long trains made of steel, aluminum, polystyrene, and fiberglass-reinforced plastic. Everything is ready. The body of the train should fit right onto the running gear like a lid on a pot.

The old railway on the Schmiedinger Kees (as the glacier on the Kitzsteinhorn mountain is known) is getting on in years. In the 1970s, it was considered a wonder of engineering, connecting seamlessly with the Tauern power plants on the eastern side of the Kitzsteinhorn. The two reservoir dams high in the Alps, Limberg and Moserboden, had become a national legend, a symbol of Austria's reconstruction after the Second World War.

In 1964, a cable car started taking people to the glacier via the Salzburger Hütte. Skiing boomed at the time of the Wirtschaftswunder, or economic miracle, and often there was no way to cope with the sheer number of visitors. It only made things worse that the cable car couldn't run during a storm. In that case, the skiers either never made it up the mountain, or they were stuck at 2450 meters. There is a long list of people who thought they could

ignore all the warnings and prohibitions, tried to hike down to the valley on their own, and died. There's no descending path here—just rock faces, slippery, steep meadows, and no place to get a foothold.

The railway, constructed between 1972 and 1974, was supposed to make these problems a thing of the past. The glacier would be open to mass tourism and visitors could travel there and back in any weather. A bold plan—an unprecedented masterpiece. A tunnel 3.3 kilometers long with an average incline of almost 50 percent, and a maximum incline of 57 percent at the top station. The new railway is designed to reach a maximum speed of ten meters per second. That means it would take only eight minutes to go from 911 meters above sea level in the valley to 2450 at the glacier.

So Unterweger, the hydraulic technician, has a big responsibility. He's doing open-heart surgery on the funicular railway's safety system. If the cable were to snap and the train started falling down the tunnel, his hydraulic emergency brake would kick in automatically with 190 bars of high pressure, literally stopping the train in its tracks. It could keep a whole herd of elephants from falling.

"Sleek piece of work," he thought when he first saw the new train hanging from the crane. The railway had shed its old image of clunky, angular metal trim for a new signature style of elegant curves. "Check it out—Kaprun is getting up to date!"

Eight minutes to the glacier, in a vehicle that compares favorably with the French TGV or the German ICE. Admittedly, not nearly as fast, but it climbs like a mountain goat. One of the two trains is actually called "Kitzsteingams" ("Kitzstein Chamois"). The other has the rather mysterious name of "Gletscherdrache" ("Glacier Dragon").

That morning, the new Kitzsteingams was positioned precisely to the millimeter on its old steel skeleton. Everything fits—except Unterweger and his hydraulics. In the place where the experienced technician is supposed to lay his measuring line from the chassis to the pressure gauges in the console, there's no room.

He squeezes out from under the train with a groan, climbs the

ladder, and sees the two electricians still standing in the attendant's cab. They're whispering, avoiding his gaze.

"Guys, there's a fan heater in the way where my lines are supposed to go. It's just sticking out of the console in the cab."

"I know," says one of the electricians, annoyed. "They said there's enough space for the lines. You just have to route them around the heater."

"I'm supposed to custom design this with a heater in the way?" the hydraulic technician snaps back, "You can't be serious. I don't even have room to move around, let alone install pipes."

"Calm down," says the electrician soothingly. "We'll take the heater out, then you'll have room to move." He nods at his fellow electrician.

"How did the heater even get there?" asks the hydraulic tech, still indignant. "I mean, right where my lines are supposed to go?"

"They didn't get the right fan heater at the company in Upper Austria where the train was assembled. So they got this one and sank it into the wall of the console."

"But why sink it in? Every fan heater has a suspension device. You just have to mount it on the wall, without all this taking things apart and screwing them together. And I'd have room for my lines."

"That was the plan, but it didn't work. If they'd hung the heater up, the attendant wouldn't have been able to open the door to the cab. So they took it apart and screwed it into the wall."

"Well, bravo," says Unterweger, "Quite a plan you've all come up with there."

## Chapter 2

In the vast check-in area of Narita Airport in Tokyo, on November 6, 2000, 42-year-old Okihiko Deguchi is waiting near the Japan Airlines counter with his 13-year-old daughter Nao, as well as two

girls and two boys, all 14 years old. They got an early start that day in their home prefecture of Fukushima. At about 10:30 in the morning, they're standing at the meeting point, waiting for the other four members of their group. All of them are looking forward to a week of ski training on the Kitzsteinhorn in Austria.

Okihiko Deguchi is a well-known Japanese professional skier who became a successful trainer and is coaching the five young people from Fukushima. The three girls and two boys, still in junior high school, are some of Japan's best young skiers and hope to qualify for the Olympics. Fourteen-year-old Tomohisa Saze is already a member of the Japanese representative team and is training hard to be nominated for the World Championships. Ayaka Katoono, also 14, is a member of her prefecture's youth ski team who would like to qualify for the university team and become a teacher after completing her studies. Tomoko Wakui has two great passions: skiing and fashion. She hopes to become a famous fashion designer someday. Masanobu Onodera is an enthusiastic skier who is still deciding whether to become a professional skier or a computer programmer. And Nao, although the youngest participant, is already a highly talented young skier, her famous father's pride and joy.

Their plane leaves at 12:50, but they don't have to wait long: "Hello, Mr. Deguchi! Welcome to Tokyo," says Masatoshi Mitsumoto to the trainer, the five young people and two fathers who came along. He and his 22-year-old daughter Saori had the shortest trip to the airport and brought along one of Saori's classmates. A few minutes later, Maki Sakakibara also arrives at the meeting point with her boyfriend; at 25, she is the eldest participant. Soon Hirokazu Oyama is there too. He rode in on the airport bus after a heartfelt send-off from his parents at Takasaki bus station. His father works as a manager for Japan's renowned ski manufacturer Ogasaka and its famous ski team. Ogasaka is one of the sponsors of the group's training trip to Austria.

Deguchi returns the friendly greeting and introduces the pa-

rents to each other; they exchange deep bows. The nine young people are less formal. The girls hug each other happily and the boys go for casual handshakes. Now he has his group together, talking eagerly and finding out what they have in common. Deguchi looks at his wristwatch and suggests they should check in. The Japanese travel group take their bulky luggage up to the counter and hand it in; the trainer gets ten boarding passes.

Before going through security they all turn around once more, wave one last time. The trainer makes a deep bow. Then the airport swallows the little group.

"Let's go to the observation deck and watch our kids fly away," suggests Masatoshi Mitsumoto. The fathers and Maki's boyfriend follow him. When they reach the deck, they recognize the plane the group is sitting in. At 12:35 the gangway is drawn back and the plane slowly taxis to starting position. After a few minutes the turbines roar, the Japan Airlines aircraft begins to roll, it picks up speed, the flaps on the wings go up, and at 12:50 on the dot, the plane takes off. They know the passengers can't see them from in there, but they still wave at the plane with its circular red crane design on the tail fin as it disappears into the clouds. "Itterashai and sayonara!" they call after the young travelers.

On the plane, the three youngest sit together. They're the most excited because this is their first long-distance flight. Saori Mitsumoto and her friend Ruouko Narahar are also sitting together. They are students at renowned Keio University and belong to its prestigious ski club. Both girls have potential for a great career after graduation—not only are they excellent skiers, they also get very good grades.

Maki is hoping her training on the Kitzsteinhorn will help her qualify for the Japanese ski competitions in January 2001 and become a professional. Later, she would like to become a coach for the Japanese skiing elite. Hirokazu, who wants to become a skiing instructor and dreams of managing a ski hotel, is hoping to improve



his technique enough to present the new ski models for Ogasaka. All nine young people are full of anticipation. Once the plane has reached cruising altitude and the seatbelt signs are off, they swamp their trainer with questions about where they're going and what it's like to ski in the Alps. But they have a long trip ahead before they can strap on their skis. Because of the eight-hour time difference between Europe and Japan, they'll have an eleven-and-a-half-hour flight behind them when they reach Copenhagen at 4:30 pm. Their next flight leaves at 5:15 and lands in Munich at 6:55. From there, they'll take a charter bus to Kaprun, arriving at 10:30 pm.



The nine young Japanese skiers. Photo taken on November 8, 2000 on the Kitzsteinhorn.

On November 10, the phone rings at Nanae and Masatoshi Mitsumoto's house in Tokyo.

"I just wanted to give you a quick call from Austria," their daughter Saori shouts into her cellphone. The connection is bad, but her parents can understand her.

"We're skiing on the glacier a lot and eating in Kaprun in the evenings, our hotel's there too. We're having a good time and tomorrow we're going up the mountain again. The weather's supposed to be perfect tomorrow. On the Kitzsteinhorn they're having the international snowboard opening with a competition, a party,

and fireworks."

"We're glad you're having a good time, keep having fun! We're thinking of you. Sayonara," shout her parents—and that's the end of the call.

The next day, the group from far-away Japan stand close together with their equipment in front of the Kitzsteingams, the Kaprun glacier train, which pulls into the valley station at 8:57 am. A few minutes later, father Okihiko Deguchi nudges his 13-year-old daughter Nao into the train first. He follows with the other eight young people.

### Chapter 3

"Rise and shine! It's an amazing day." Matthäus and Tobi are the first ones up, as always, while the rest are hardly stirring.

It's just after seven in the morning. Less than six hours ago, the five high-school graduates were still at the kick-off party for the snowboard opening at Kaprun Castle. Thanks to the "ultimate opening package" they bought for 790 schillings, there's a lot for them to take advantage of this weekend—the lift pass for Saturday and Sunday with all the events on the glacier, like the "Endless Winter Snowboard Test" with more than a thousand of the latest snowboard models, the fun park, a speed-measurement course, jump contest or pipe contest. For these passionate snowboarders from Vienna, it's an exceptional experience.

This is their first trip together without parental supervision. All five grew up in the same area, the Währing and Döbling districts at the northwestern end of Vienna. Their enthusiasm for snowboarding isn't the only thing that brings them together. They're a group of five best friends who took their final exams—the Austrian Matura—early last summer and are ready to begin a new phase in life.