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Steuernummer: 210/5145/1944

USt.-IdNr.: DE268254583

Bei Zahlungen bitte stets angeben:

Rechn.-Nr.:

Bei Antworten bitte stets angeben:

Aktenzeichen: 37 + 58 / 2022

Selfkant, den 28.4.2022

In the military appeal proceedings

of the Mr ...

AZ.

and

of the Mr ...

AZ. ...

we, the lawyers of the complainants, are somewhat surprised that on the afternoon of the penultimate working day before the hearing on 2 May 2022, we receive a note from the rapporteur, Dr. Eppelt, as to which - very extensive - documents of the RKI we are still to view in preparation for the hearing on 2 May 2022.

This indication is not only surprising because the discerning senate itself requested that the applicant's side please submit its presentation by 14.4.2022 so that the senate can still find sufficient opportunity to penetrate this side's presentation before the deadline.

According to a first rough estimate, the volume of the RKI and PEI documents that we are still to sift through is around 500 - 600 pages.

So may the discerning Senate tell us why it is only now informing us for the first time that it also intends to discuss Epidemiological Bulletins 2/2021, 5/2022, 12/2021, 16/2021, 48/2021, 2/2022 and 7/2022 on 2/5/2022.

These bulletins were also published and known as early as 3/24/2022.

It is consistent with the principle of a fair trial that a reviewing court must give such guidance in sufficient time to enable any party to the proceedings to deal with it or its implementation in a timely manner.

Since the BVMg has not addressed the factual issues any further and has not answered any of the many questions, the petitioner side has actually assumed that the discerning Senate will now exert appropriate pressure on the BVMg so that we receive the desired answers in good time before 2.5.2022, answers to questions that are of the utmost relevance to these proceedings.

Instead, we are now supposed to deal with some bulletins from the RKI on 2.5.2022, which only distract from our legitimate questions to the BVMg.

From this point of view, the question is whether the recognizing senate is now endeavoring to provide a reason for a bias motion. Surely one cannot put such voluminous bulletins on the agenda at such short notice. It is neither fair nor reasonable. And it is so obvious that no further clarification is needed.

Thus, the discerning Senate cannot really expect the complainant side to engage in a conversation about these bulletins on 2.5.2022.

Finally, based on the Senate's notice of 3/24/2022, we were entitled to assume that there would be a legal argument in the 1st part of the hearing on 5/2/2022 and then the experts we brought would have their say in the 2nd part.

At most, we assumed that the sources discussed on 2/5/2022 would be those listed on page 3 of the 3/24/2022 notice.

It states:

"Since the incidence of infection and the knowledge situation are constantly changing, it is intended to take into account the current daily and weekly reports of the Robert Koch Institute at the end of March, its Corona profile and its bulletin of 10 March 2022 on the phasing of the pandemic, as well as the then most recent safety report of the Paul Ehrlich Institute (last dated 7 February 2022). Furthermore, the press releases of the Federal Statistical Office (No. 563 of 19 December 2021, No. 14 of January 2022 and No. 113 of 15 March 2022) provide information on the course of the pandemic to date. "

From therefore asks itself, when we are to find then on 2.5.2022 opportunity to discuss us also still appropriately to these sources of RKI and PEI.

Against this background, it would certainly make sense to discuss these RKI and PEI sources in due course in a main hearing, especially since none of these sources can be expected to be suitable to dispel the objections on this side against the obligation to tolerate coronavirus injections.

For legal reasons alone, it is irrelevant what the RKI and PEI have announced. The obligation to tolerate can obviously no longer be upheld. In order to clarify this conclusively, the legal discussion in the first part of the hearing on 2.5.2022 should be sufficient.

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On the part of the applicants, we can therefore only point out once again that the referral of these documents from the RKI and PEI on 2.5.2022 is ultimately not (no longer) relevant to the decision and is likely to result only in a waste of time.

We have made our case.

We have also shown in great detail that the announcements of the RKI and the PEI are based on erroneous assumptions, etc., and in part also reveal gross breaches of duty.

Now it would actually be the task of the representatives of the RKI and the PEI to take a stand on our criticism of their statements.

Moreover, for these proceedings, dealing with these RKI and PEI sources can certainly only have a knowledge-enhancing effect if representatives of the RKI, the PEI and the STIKO have the opportunity to explain their data bases and the interpretation of their data in court, for the discerning court, but especially also for the applicant side and even more so for the public.

We would certainly be able to prepare a very extensive list of questions for such a further (main) hearing date, in which representatives of the RKI, the PEI and the STIKO would have to explain themselves in court, at fairly short notice.

But that, too, must be prepared. We have to be informed if and when a representative of the RKI, the PEI and the STIKO will appear in court.

Incidentally, the weekly situation report of the RKI of 28.4.2022 is not even available yet.

Finally, it is also recalled that we have requested the inspection of numerous files via Dr Röhrig. When we have received and inspected these files and also received the requested information from the BMVg, then the question should finally be answered as to why the announcements of the RKI and PEI are not worth the paper they are printed on.

Schmitz
Lawyer