

**FMK- Maier: Oberfeld persistently fails to provide any evidence
[sub-heading]: New confusing theory: 10 years of test transmissions**

Environmental doctor, Dr. Gerd Oberfeld provided suppositions, hints and new theories before the regional court in Salzburg on 23 June 2008, but not one single piece of sustainable evidence for the existence of the C network station in Hausmannstätten which he has blamed for cases of cancer. According to his new theory, the station was supposedly a test transmitter.

Dr. Oberfeld must submit evidence for his assumption

“As this is a civil application for a retraction and an injunction there is no presumption of innocence in the sense of a shift in the burden of proof. The sole burden of proof rather lies with the defendant, Dr. Oberfeld. He must adequately show the assumptions of his study and present the evidence for these,” so say the legal experts. To date, the environmental doctor has failed to provide any suitable evidence. “Clearly, and this is not surprising given the fact base, out of the 10 years – prior to the D network in 1994 – there is not one single picture of the supposed system on the roof that could support the submissions of Dr. Oberfeld,” and FMK Managing Director Maximilian Maier is therefore astounded that Dr. Oberfeld nevertheless did not hesitate to presume the existence of a C network system without any further critical investigation (as was his duty).

The “10 years of test transmissions” theory is also untenable

The new claim that the system was a test transmitter and therefore not registered in the automatic exchange map, is a new attempt at an explanation by Dr. Oberfeld. “In fact no such transmitter ever existed either,” and the engineers at mobilkom austria are amazed at the new “10 years of test transmissions” theory. “In practice, there was no such thing. At most, propagation measurements were carried out by the hour,” C network experts explain.

Naturally records of the automatic exchange are available

The C network in Austria was set up at a time (after 1984) when the Austrian Postal and Telegraph Administration (PTV) was still a federal authority and the only company operating a mobile communications network in Austria (telecommunications monopoly). When the market was opened up – from 1996 onwards – the landline and mobile telecommunications business of the former monopolist PTV/PTA was split into separate companies (mobilkom austria for mobile communications and Telekom Austria for landline business), which as such are the successors to the Republic of Austria. Historical data and official documents about transmitters from the time before privatization are available at mobilkom Austria and Telekom Austria, not archived on a centralized basis but at the automatic exchanges for example, such as the “automatic exchange map” from Hausmannstätten or from the individual employees (civil servants) of the former PTV, who set up the C-network in its name, says Claudia Übellacker, head of the Environmental Team at mobilkom, clarifying the confusion surrounding the existence of data.

The existing records of the location’s history, the sworn declarations of the employees dealing with the C network at that time, including as contemporary witnesses, also clearly confirm that there was never a C network system in Hausmannstätten.

Responsibility and duty of care of a civil servant and expert

Dr. Oberfeld must be aware of the increased duty of care to which he is subject by virtue of his public office, his position, his capacity as an expert and the explosiveness of the material. “The study has far-reaching consequences, as the emotions of the people of Hausmannstätten present during the legal proceedings have shown. The claim that a non-existent mobile phone system triggered cancer therefore cannot and must not remain uncontested: “Dr. Oberfeld was informed of his error and given the opportunity to retract the study himself. However, after he insisted on

his “self-created” fact base and also permanently reiterated it, there was no other choice but to take legal action, concludes Maximilian Maier of the FMK.

Service:

The chronology of events relating to the matter of Dr. Oberfeld and the aerial photograph of Hausmannstätten from 1989 can be found on the FMK website at:

<http://www.fmk.at/content.php?id=366>

FMK- Forum Mobilkommunikation

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