

Case dismissed – Düe left his safe open

February 27, 1992

Jeweller Rene Düe's chances of being awarded the ten million Deutschmarks he is claiming from the insurance company for jewellery stolen in October of 1989 have receded considerably. The 13th Civil Chamber of the district court ruled on Wednesday that Düe was guilty of wilful deceit and gross negligence, thereby forfeiting his right to insurance. The claims of 21 jewellery suppliers to whom Düe had transferred part of the title to insurance benefits was also rejected on these grounds.

Düe, whose business near Kröpke had been robbed on the 31st of October 1981 by two armed men had, in the opinion of the Chamber, with judge Heinz Brandes presiding, made two serious mistakes which had cost him his right to the insurance cover. The jeweller had carelessly left his safe open and gone to answer the door, believing the visitor to be a business associate. "Through this action he was guilty of gross negligence and clearly failed to exercise due diligence" said judge Brandes. Düe should have realised the increased risk of robbery that was bound to arise with the advertisements and invitations he had made for the planned evening opening of his exhibition – they were, after all, announcing the presence of an unusual accumulation of valuables.

Düe clearly and finally forfeited his right to the insurance money when, having found 15 of the missing rings and watches after the robbery, he failed to report this fact to the insurance company. In the opinion of the court, "his fear that he would thereby delay any payment of the insurance money in no way justified the wilful deceit practiced with regard to the amount of the loss". The Civil Chamber could not however establish any "deceit" on the part of the Mannheimer Insurance Company due to their introduction of the detective Werner Mauss. The agent, who after all, was working with the approval of the police was there solely to help recover the stolen jewellery, explained Brandes.

The Civil Chamber believed Düe's version of the course of events. However, on Wednesday, during criminal proceedings against eight policemen said to have been involved in eavesdropping on the jeweller as part of their investigations, speculation was mounting that the legally acquitted Düe had feigned the robbery himself. The 13th Civil Chamber is also to decide on the question of Düe's own claims against the Mannheimer Insurance Company. With the claim, in the wake of yesterday's "suppliers judgement", having little prospect of success, the pending application for legal aid is likely to be rejected in advance. The suppliers can however appeal against Wednesday's decision to the Higher Regional Court at Celle. Gs

www.haz.de