



Judgments of 28 March 2023

The European Court of Human Rights has today given notification in writing of three Chamber judgments¹ which are summarised below.

The judgments in French below are indicated with an asterisk ().*

Saure v. Germany (no. 2) (application no. 6091/16)

The applicant, Hans-Wilhelm Saure, is a German national who was born in 1968 and lives in Berlin. He is a journalist and works for the daily newspaper *Bild*.

The case concerns his right of access to information held by the Ministry of Justice of the *Land* of Brandenburg concerning judges and a public prosecutor who had previously worked for the Ministry of Security of the former German Democratic Republic (GDR). Upon the reunification of Germany, the judges and public prosecutors who had worked in the former GDR were given the opportunity to apply to be integrated into the judiciary of the new *Länder*.

Relying on Article 10 (right to freedom of expression) and 6 (right to a fair hearing) of the European Convention on Human Rights, the applicant complains about the domestic courts' refusal to order the Ministry of Justice of the *Land* of Brandenburg to provide him with certain information. He also complains that the proceedings did not begin promptly and took too long. Furthermore, he alleges that the domestic courts were not impartial.

Violation of Article 10 on account of the decision to refuse disclosure of additional information on the incriminating findings available against the thirteen judges and the public prosecutor

No violation of Article 10 on account of the refusal to disclose the names and places of service of the thirteen judges and the public prosecutor, as well as on account of the refusal to disclose the involvement of the judges concerned in certain types of proceedings

Just satisfaction: the Court dismissed the claim for just satisfaction

Sârbu v. Romania (no. 34467/15)*

The applicant, Mihail-Ioan Sârbu, is a Romanian national who was born in 1962 and lives in Lancrăm (Romania).

The case concerns the fairness and length of the criminal proceedings brought against the applicant for bribe-taking. Relying on Article 6 (right to a fair trial) and Article 8 (right to respect for private and family life) of the European Convention, the applicant complains, in particular, of the time taken to prepare the final judgment and the use in evidence against him of recordings made by a co-accused using a miniature video camera.

No violation of Article 8

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

Hamdani v. Switzerland (no. 10644/17)*

The applicant, Mohamed Hamdani, is an Algerian national who was born in 1969. At the relevant time he was living in Geneva, where he was illegally resident without any fixed address and without employment.

The case concerns the applicant's application for legal aid in the context of criminal proceedings against him for theft and illegal residence.

Relying on Article 6 §§ 1 (right to a fair trial) and 3 (c) (right to legal assistance) of the Convention, the applicant complains about the refusal of his application for legal aid.

No violation of Article 6 §§ 1 and 3 (c)

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHR_CEDH](https://twitter.com/ECHR_CEDH).

Press contacts

echrpess@echr.coe.int | tel: +33 3 90 21 42 08

We would encourage journalists to send their enquiries via email.

Tracey Turner-Tretz (tel.: + 33 3 88 41 35 30)

Denis Lambert (tel.: + 33 3 90 21 41 09)

Inci Ertekin (tel.: + 33 3 90 21 55 30)

Neil Connolly (tel.: + 33 3 90 21 48 05)

Jane Swift (tel.: + 33 3 88 41 29 04)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.