EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FOURTH SECTION

DECISION

Application no. 32253/22
BILD GMBH
against Germany

The European Court of Human Rights (Fourth Section), sitting on 18 November 2025 as a Committee composed of:

Lorraine Schembri Orland*, President*,
Anja Seibert-Fohr,
András Jakab*, judges*,
and Veronika Kotek, *Acting Deputy Section Registrar,*

Having regard to:

the application (no. 32253/22) against the Federal Republic of Germany lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 28 June 2022 by BILD GmbH, a limited liability company with its registered office in Berlin ("the applicant company"), which was represented by Mr J. Thomas, a lawyer practising in Berlin;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns an injunction prohibiting the online publication of a news article which included details about a murder as well as the full name and a photo of the perpetrator, seven years after he had been released from prison and 25 years after the murder.

2. The applicant company publishes BILD, the mass-circulation daily newspaper with the largest circulation in Germany, and operates the corresponding website *bild.de*. On 23 September 2015 it published a news article titled "*25 YEARS AFTER THE ATROCIOUS CRIME – [W.S.'s] murderer demands over 20,000 Euro*" on its website. The article concerned civil proceedings for damages in which W.W., one of the perpetrators convicted for the murder of W.S. (a famous actor), sued the Bavarian State for damages, due to the alleged unlawful seizure of jewellery

and coins during the criminal trial. It mentioned details about the murder ("[W.S.] *was found covered in blood in his apartment, tortured to death by knife wounds and hammer blows."*) and W.W.'s full name. In addition, it showed a photo of W.W. from the criminal trial in 1993.

3. The article was published in the Munich regional section of *bild.de*, behind a paywall. It was viewed a total of 15,810 times, with the great majority of the views on the first day of publication. On the second day the article was viewed less than 10% and on the third day less than 1% of the views of the first day.

4. W.W. lodged a claim with the Cologne Regional Court for an interim injunction ordering the applicant company to cease the publication of the article in its specific form, namely identifying W.W. by full name and with the photo from the criminal trial. On 30 October 2015 the Regional Court issued the requested interim injunction and confirmed it on 2 March 2016, after an oral hearing. On 13 October 2016 the Cologne Court of Appeal confirmed the Regional Court's decision.

5. In the main proceedings, the Regional Court issued a permanent injunction on 5 October 2016 with the same content. The applicant company's appeal against this decision was rejected by the Court of Appeal on 22 June 2017. In its judgment the Court of Appeal held that the publication of the article had constituted a severe interference with W.W.'s personality right, as it had (re-)publicised the crime, had portrayed him negatively in the eye of the reader and had paraded him in a blatant way. While for reporting about current criminal proceedings the public interest normally superseded the interests of the perpetrator, the more time had passed between the criminal proceedings and the publication of the article, the interest of the perpetrator became more important. Nonetheless, the perpetrator's interest in rehabilitation did not, even after having served his or her prison sentence, create an absolute protection from being confronted with the crime in public. Therefore, a balancing exercise had to be undertaken based on the specific circumstances of the publication. This balancing exercise had to be distinguished from the jurisprudence concerning newspaper archives, as articles in archives were not actively disseminated to readers but required a targeted search by the reader.

6. Concerning the balancing exercise, the court noted that the criminal proceedings had taken place 23 years ago, that W.W. had served his sentence, had been released in 2008 on parole and had fulfilled his conditions of parole thus far. W.W. had also not actively contacted the press in the last years, as he had done previously in 2004. The several sets of civil proceedings to have articles anonymised, which W.W. had initiated between 2007 and 2011, underlined his wish for anonymity and of being left alone. They did not constitute an active engagement with the press or an implicit consent to continuous identifying press coverage as such a view would have prevented W.W. from making use of the legal remedies available to him. The present

article, however, reminded readers of the crime and of W.W. as the perpetrator and communicated this information for the first time to readers who were too young at the time of the original coverage. Moreover, the article did not only identify W.W. but also provided details of the crime (see paragraph 2 above) that stigmatised him in the public's perception. The online article had been available all over Germany and had reached a not insignificant number of readers (see paragraph 3 above). On the other hand, there was great public interest in the ongoing civil proceedings which were the subject of the article, as they concerned alleged wrongdoing by the state in the general context of criminal proceedings for aggravated murder. W.W.'s role as former perpetrator and current claimant in the civil proceedings created some public interest in not just the civil proceedings as such but also in W.W. himself.

7. The court concluded that, in the light of the above, the identifying and stigmatising reporting was not justified as W.W.'s interest in rehabilitation outweighed the public interest. For the same reasons the publication of the photo identifying W.W., which had to be considered in combination with the written content of the article and with the caption of the photo, was also not justified. The inclusion of the photo had contributed to the stigmatisation of W.W. as a criminal.

8. On 23 July 2019 the Federal Court of Justice dismissed the applicant company's request for leave to appeal on points of law, and on 19 December 2021 the Federal Constitutional Court refused to admit the applicant company's constitutional complaint for adjudication without providing reasons (1 BvR 1972/19).

9. Relying on Article 10 of the Convention the applicant company complained that the injunction prohibited reporting, identifying W.W., about the civil proceedings which were of great public interest and connected to W.W.'s conviction. The national courts had not properly balanced the interests in question and had not sufficiently assessed the criteria established by the Courts' jurisprudence. The national courts had, in particular, not observed the Court's judgment in *M.L. and W.W. v. Germany* (nos. 60798/10 and 65599/10, 28 June 2018).

THE COURT'S ASSESSMENT

10. The Court finds that the injunction ordering the applicant company to cease the publication of the online article, in its specific form (see paragraph 4 above) amounted to an interference with the applicant company's right to freedom of expression under Article 10 of the Convention. It is satisfied that the interference, based on Article 823 § 1 and Article 1004 § 1 of the Civil Code, was "prescribed by law" and pursued a legitimate aim – namely the protection of the reputation and rights of others – within the meaning of

Article 10 § 2 of the Convention (see also *Bild GmbH & Co. KG v. Germany*, no. 9602/18, § 25, 31 October 2023).

11. As to whether the interference complained of was "necessary in a democratic society", the general principles applicable to cases in which the right to freedom of expression under Article 10 of the Convention has to be balanced against the right to respect for private life under Article 8 of the Convention were set out in *Axel Springer AG v. Germany* [GC] (no. 39954/08, §§ 78-95, 7 February 2012). Notably, the Court identified a number of criteria, including: whether the publication contributed to a debate of public interest; how well known the person concerned was; the prior conduct of the person concerned; the content, form and consequences of the publication; and the nature and severity of the sanctions imposed.

12. Within the context of publications concerning convicted persons after their release from prison, the Court has held that another element had to be taken into account, namely the lapse of time between the conviction, the release and the publication of the article in question (see *Mediengruppe Österreich GmbH v. Austria*, no. 37713/18, § 68, 26 April 2022).

13. Furthermore, where the balancing exercise has been undertaken by the national authorities in conformity with the criteria laid down in the Court's case-law, the Court would require strong reasons to substitute its view for that of the domestic courts (see *Couderc and Hachette Filipacchi Associés v. France* [GC], no. 40454/07, §§ 92-93, ECHR 2015 (extracts)).

14. The Court further notes that, while it had applied the same set of criteria in its judgment, the present case crucially differs from the case *M.L. and W.W.* (cited above). That case concerned the continuous online availability of older news articles regarding the criminal proceedings against W.W. and the unsuccessful attempts of W.W. to have these reports and transcripts removed or anonymised. The current application, however, does not concern an archived article but a newly published article about civil proceedings which contained details about the murder, the conviction and W.W.'s full name and photo (see paragraph 2 above). The Court therefore agrees with the findings of the domestic courts that the case-law concerning newspaper archives is not applicable to the present case (see paragraph 5 above).

15. Turning to the applicable criteria the Court observes that the domestic courts acknowledged that the civil proceedings were a matter of great public interest, in parts due to its connection to the previous criminal proceedings. In particular W.W.'s role as perpetrator and claimant in the civil proceedings created some public interest not just in the civil proceedings as such but also in W.W. himself (see paragraph 6 above). However, the courts also held that the lapse of time between the murder and the publication of the article as well as W.W.'s conduct had to be taken into account. They acknowledged that W.W. had been released for seven years, that the criminal proceedings had

taken place 23 years prior to the article and that W.W. had not actively sought the limelight since 2004 (ibid.). In so far as the civil proceedings, initiated by W.W. from 2007 to 2011 to have articles anonymised, were concerned, the Court of Appeal held that this was irrelevant because otherwise W.W. would have been prevented to make use of available legal remedies (ibid.). The Court agrees with these findings and reiterates that a person cannot be criticised for using the judicial remedies available under domestic law (compare *M.L. and W.W.*, cited above, § 109). While the Court concluded in *M.L. and W.W* (ibid.) that W.W.'s attempts went far beyond the mere use of the remedies, in particular due to his conduct towards the press, it notes that, in the present case, W.W. had not actively sought the limelight since 2004, as held by the domestic courts (see paragraph 6 above).

16. As far as the content and form of the publication are concerned, the domestic courts held that the article (re-)publicised the previous wrongdoing of W.W., portrayed him in a negative light, stigmatised him by providing details of the crime and paraded him in a blatant way (see paragraphs 2, 5 and 6 above). These effects of the content and form of the publication were further intensified by the inclusion of a photo of W.W., which identified him in combination with the text and the caption as a criminal (see paragraph 7 above). The Court sees no reason to disagree with these findings, in view of the consequences this entailed for W.W.'s private life.

17. Lastly, the Court notes that, although every sanction is capable of having a chilling effect (see, for illustrative purposes, *B.Z. Ullstein GmbH v. Germany* [Committee] (dec.), no. 43231/16, § 28, 22 September 2020), in the present case the injunction was not a particularly severe restriction on reporting. The injunction merely prohibited the specific form of reporting about the civil proceedings, namely identifying W.W. by his full name and with a photo from the criminal trial from 1993 (see paragraphs 2 and 6 above), but not reporting on the civil proceedings in general (see paragraph 4 above). The courts specifically acknowledged that there was a great public interest in these civil proceedings (see paragraph 6 above). The Court therefore considers that, in the circumstances of the present case, the nature of the interference in the form of an injunction prohibiting only the publication of a specific form of reporting but not reporting in general does not appear disproportionate.

18. In the light of the above, the Court concludes that the domestic courts balanced the applicant company's right to freedom of expression and W.W's right to protection of his reputation in conformity with the criteria laid down in the Court's case-law (see paragraphs 11-14 above). It considers that the domestic courts did not overstep their wide margin of appreciation and that therefore there are no strong reasons to substitute its view for that of the domestic courts.

19. It follows that the complaint is manifestly ill-founded and must be rejected as inadmissible in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 11 December 2025.

Veronika Kotek Acting Deputy Registrar	Lorraine Schembri Orland President