Originating Body

Court (Chamber)

Document Type

Judgment (Merits and Just Satisfaction)

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Title

CASE OF NIEMIETZ v. GERMANY

App. No(s).

[13710/88](https://hudoc.echr.coe.int/eng" \l "{"appno":["13710/88"]})

Importance Level

1

Represented by

N/A

Respondent State(s)

Germany

Reference Date

12/07/1991

Judgment Date

16/12/1992

Conclusion(s)

Violation of Art. 8

No separate issue under P1-1

Pecuniary damage - claim dismissed

Non-pecuniary damage - finding of violation sufficient

Costs and expenses - claim dismissed

Article(s)

8

8-2

8-1

P1-1

41

Separate Opinion(s)

No

Domestic Law

Basic Law, Article 13 para. 1

Code of Criminal Procedure, Articles 53 para. 1 sub-paras. 2 and 3, 97, 103, 304

Criminal Code, Article 203 para. 1 sub-para. 3

Strasbourg Case-Law

Huvig v. France judgment of 24 April 1990, Series A no. 176-B, p. 41, para. 8, p. 52, para. 25

Chappell v. United Kingdom judgment of 30 March 1989, Series A no. 152-A, pp. 12-13, para. 26, pp. 21-22, para. 51

Marckx v. Belgium judgment of 13 June 1979, Series A no. 31, p. 15, para. 31

Schönenberger and Durmaz v. Switzerland judgment of 20 June 1988, Series A no. 137

Campbell v. United Kingdom judgment of 25 March 1992, Series A no. 233

International Law

Court of Justice of the European Communities, Hoechst v. Commission, judgment of 21 September 1989, [1989] European Court Reports, 2859-2924

Court of Justice of the European Communities, Dow benelux v. Commission, judgment of 17 October 1989, [1989] European Court Reports, 3137-3157

Court of Justice of the European Communities, Dow Chemical Ibérica and Others v. Commission, judgment of 17 October 1989, [1989] European Court Reports, 3165-3186

Keywords

(Art. 8) Right to respect for private and family life

(Art. 8-2) Interference

(Art. 8-2) Necessary in a democratic society

(Art. 8-2) Prevention of crime

(Art. 8-2) Protection of the rights and freedoms of others

(Art. 8-2) In accordance with the law

(Art. 8-1) Respect for correspondence

(Art. 8-1) Respect for home

(Art. 8-1) Respect for private life

(P1-1) Protection of property

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