[DE] Film about "Cannibal of Rotenburg" Can Be Screened

IRIS 2009-7:1/10

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In a ruling issued on 26 May 2009 (case no. VI ZR 191/08), the Bundesgerichtshof (Federal Supreme Court - BGH), overruling the two previous decisions of the Landgericht Kassel (Kassel District Court - LG) and the Oberlandesgericht Frankfurt (Frankfurt Appeal Court - OLG), decided that the cinema film about the so-called "Cannibal of Rotenburg" could be shown.

The film portrays the life story of the plaintiff, known as the "Cannibal of Rotenburg", who was sentenced to life imprisonment for murder and disturbing the peace of the dead after killing a man in March 2001, removing the bones from his body, cutting it up, freezing it and then eating parts of it over a period of time. The main character in the film displays some of the personality traits of the plaintiff and the events shown in the film are virtually identical to the plaintiff's life and actions. The plaintiff, who had already signed an exclusive agreement with a production company for the use of his life story, applied for an injunction against the screening and exploitation of the film, referring to his general personality rights (see IRIS 2006-4: 10).

Although the BGH accepted that the screening of the film could cause considerable psychological strain on the plaintiff and that his innermost privacy would be affected, when weighing these factors against the defendant's artistic freedom and freedom to film in accordance with Art. 5 of the Basic Law (GG), the plaintiff's personality rights under Art. 2(1) in connection with Art. 1 GG were of lesser importance. This conclusion was based on the public's right to information and the fact that the film did not contain any distancing or distorting effects, nor did it violate the plaintiff's right to respect as a human being.

Pressemitteilung des BGH zum Urteil vom 26. Mai 2009

http://juris.bundesgerichtshof.de/cgi-bin/rechtsprechung/document.py?Gericht=bgh&Art=en&sid=eeb45a11358c070258fbb9307e065d58&anz=1&pos=0&client=12&nr=48083&linked=pm&Blank=1

BGH press release on the ruling of 26 May 2009

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