

## Does a murderer have the right to be forgotten?

In 2008 two convicted murderers asked for their names to be removed from Wikipedia and other online media outlets, in accordance with German law. Does the individual's right to be forgotten take priority over the public's right to know?



In 1993, Wolfgang Werle and Manfred Lauber were convicted for the murder of the German actor

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[Walter Sedlmayr](#) and served 14 and 15 year prison sentences. Upon their release in 2007 and 2008, Werle and Lauber took several media outlets to court, including not only the German [Der Spiegel](#) but also English-language [Wikipedia](#), for mentioning the names of the two men in articles that described them as murderers. The English language Wikipedia refused to remove the names of the two men, as this would have been an infringement on Wikipedia's media freedom. The company is based in the US, and therefore [protected](#) by the First Amendment of the US Constitution. German laws are not enforceable on companies not based in the country.

In Germany, a [Hamburg court](#) in the first instance agreed in 2008 that naming the two men in archived articles violated the privacy rights of Werle and Lauber, and ordered their names to be removed. Under a 1973 [German court decision](#) persons have the right not to have their convictions reported after they have completed their punitive sentences. German Wikipedia editors thereafter removed the names from the German Wikipedia. In 2009, however, the [German Constitutional Court](#) reversed this decision on the grounds that this was a restriction of the constitutionally guaranteed freedom of the press, and that Werle and Lauber would have to accept a certain degree of intrusion into their privacy. The decision was taken on the grounds that removing the information from all archives would constitute too high a financial burden for Wikipedia. After the ruling, the German Wikipedia page restored the names to its content.

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