

# Reference for Preliminary Ruling on Detention Conditions by Higher Regional Court of Hamburg



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## News

**Thomas Wahl**

Following the judgment of the Federal Constitutional Court blaming the Higher Regional Court of Hamburg for not having sufficiently taken into account a person's right to a lawful judge, the Higher Regional Court of Hamburg lodged a reference for a preliminary ruling to the CJEU. The decision was taken on 8 February 2018. The case is referred to as [C-128/18 \(Dorobantu\)](#) at the CJEU.

The Higher Regional Court seeks clarification from the CJEU by posing numerous questions related to the minimum standards of detention conditions pursuant to Art. 4 CFR and the effects of these standards on the presumption of a "real risk" of fundamental rights violation.

An English summary of the Higher Regional Court's decision has been provided by the lawyer *Dr. Anna Oehmichen* and can be [retrieved here](#). (TW)

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