

Cases and rulings

Country Code	Year	Reference details title	Reference details URL	Hate Bias motivation	Court / Body	Key facts of the case	Results (sanctions, outcome) and key consequences or implications of the case	Main reasoning / argumentation	Key issues (concepts, interpretations) clarified by the case	Key quotation in original language and translated into English with reference details
Greece	2014	Greece / Athens Single-Member Court of Misdemeanours / Decision 65738/2014 / Case of Alexandros Plomaritis		Racial or ethnic origin	Athens Court of Misdemeanours	The Athens Single-Members Court of Misdemeanours convicted a known Golden Dawn Member and MP candidate under article 1 of the Anti-Racist Law 927/1979, which punishes the public incitement of violence or hate. He was convicted to one year imprisonment and a three-year suspended sentence for referring to migrants, inter alia, as "sub-human" and "taints" during an interview for a documentary that was aired on Channel 4 with the title "The Cleaners". The Court attempted to clarify the relationship between freedom of expression and hate speech and stated that the provisions of Law 927/1979 had to be interpreted narrowly and strictly so as not to endanger the freedom of expression, yet the State must also always keep in mind its obligation to respect and protect human dignity, including race and nationality.	Through this Decision of the Athens Single-Member Court of Misdemeanours, Plomaritis was convicted to one year imprisonment and a three-year suspended sentence. This Decision was important, as it examined hate speech in light of the freedom of expression. It stipulated that Law 927/1979 has to be interpreted narrowly and strictly so as not to endanger the freedom of expression, yet the State must also always keep in mind its obligation to respect and protect human dignity, including race and nationality.	The Court found that the phrases used by Mr Plomaritis, even if exaggerated, demonstrated his views, especially for publicly inviting others to carry out actions to cause bodily harm to various foreigners, so as to convince them to leave the Greek territory. The Court noted that discrimination, hate and violence had been expressed, through outlawed and extreme behaviours, namely beatings and murders of foreigners, at the time investigated by the Greek Justice system.	The Court attempted to clarify the relationship between freedom of expression and hate-speech. It stated that the provisions of Law 927/1979 should be interpreted narrowly and strictly and that the foremost obligation of the state is the respect and protection of human value; the violence had been expressed, which also includes the national and ethnic background of an individual, protected here through the adoption of Law 927/1979.	"Οι δε φράσεις που χρησιμοποιήθηκαν από τον ίδιο κατά τη διάρκεια της συζήτησης στο καφενείο επί της οδού Πιπίνου, έστω και αν περιείχαν υπερβολή, καταδεικνύουν τις απόψεις του, κυρίως στην πρόσκληση δημόσια σε διάφορους άλλους να προβαίνουν στον ξυλοδαρμό, να απειλούν, να εξυβρίζουν, να τραυματίζουν με πρόκληση σοβαρών σωματικών βλαβών διάφορους αλλοδαπούς, προκειμένου οι υπόλοιποι να πεθούνται κατά τον τρόπο αυτό να εγκαταλείπουν το έδαφος της Ελληνικής Επικράτειας, ήταν δε ικανές οι φράσεις του και οι λέξεις του να προκαλέσουν διακρίσεις, αφού κατά τα λεγόμενά του κατηγορούμενου αυτοί φέρονται ως όντα κατώτερα, μίσος, διότι φέρονται ότι καταλαμβάνουν ζωτικό χώρο των Ελλήνων, και βία κυρίως κατά ομάδων και προσώπων με συγκεκριμένα φυλετικά χαρακτηριστικά που προσδιάζουν σε διάφορες εθντικές ομάδες προερχόμενες από τις περιοχές της νότιας και νοτιοδυτικής Ασίας. Πρέπει δε να σημειωθεί ότι έστω και αν αυτό δεν απαιτείται για την πλήρωση της ειδικής υπόστασης της κρινόμενης πράξης του άρθρου 1 παρ. 1 του Ν 927/1979, οι διακρίσεις, το μίσος και η βία εκφράστηκαν ιδιαίτέρως, με έντονες και ακραίες συμπεριφορές, συνιστάμενες σε ξυλοδαρμούς και ανθρωποκτονίες αλλοδαπών, που ερευνώνται ήδη από την Ελληνική Δικαιοσύνη."

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