

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
Germany	2015	Germany / Federal Court of Justice, Karlsruhe / 5 StR 435/14	http://www.hrr-strafrecht.de/hrr/5/14/5-435-14.php	Racial or ethnic origin	Federal Court of Justice (Bundesgerichtshof)	Two residents of Polish origin harassed passersby in the Berlin city centre. An African was called "Nigger" in Polish language. A Russian speaking witness understood the insult and intervened in Russian. The insulters physically attacked the Russian speaking witness and both continued with potentially deadly kicks on the unconscious victim. Other passersby intervened and stopped the assault. The regional court of Berlin could not establish an intention to kill the victim and ruled on the ground of dangerous assault on xenophobic motives.	Voiding of the previous ruling of the Regional Court Berlin. Obligation to consider the indicators for condoning homicide in a revised ruling.	The attackers did not stop the assault on the unconscious victim regardless first interventions by passer-by's and stopped the assault only after loud and decisive intervention by witnesses.	Indicators for condoning homicide: Continuation of potentially deadly assault notwithstanding first interventions by witnesses; disdainful attitude and utterances towards the victim during the previous court procedure.	"The fact that the offender did not stop the assault voluntarily, but only after loud intervention by passer-by's, constitutes a strong indicator for the attitude of the offender regarding a potential homicide of the victim." "Der Tatsache, dass der Täter nicht freiwillig, sondern erst nach lautstarker Aufforderung von sich nähernden Passanten mit der Misshandlung des Opfers aufhörte, kann ein hoher Indizwert für die innere Einstellung der Täter gegenüber einer möglichen Tötung des Opfers zukommen."

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