

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	2015	Greece / Third Single-Member Felony Appeals Court of Athens / Third Single-Member Felony Appeals Court of Athens / Bademi and others case		Racial or ethnic origin	Third Single-Member Felony Appeals Court of Athens	The Felony Appeals Court of Athens in May 2015 found three men guilty of attacking two women during a national parade on October 28, 2011 because they were considered "foreigners". Throughout the trial their links to the Golden Dawn party were considered a determining factor for establishing a racist motive behind the offences. This was the second time a Greek Court condemned perpetrators for carrying out a crime with a bias motive (the first was the Lugman Decision above). They were convicted for committing a racist crime under the aggravating factors listed in article 81A of the Criminal Code, which was introduced in conformity with the Framework Decision on Racism and Xenophobia.	Two of the defendants were sentenced to incarceration for 14 years and 10 months and the third for 15 years and 6 months. None were granted suspension of their sentence, an indication that the Court took into consideration the racist nature of the crimes.	Even though the racist motive was not mentioned during the sentencing of the defendants, the text of the decision made clear reference to racist motives which led the defendants to target two women they deemed unwanted just because they appeared foreign. The reasoning of the decision described in the most characteristic way what is known in international theory and practice as "hate crime".	The decision contained elements of reminiscent a hate crime as defined by international and national theory. The Court concluded that there was a clear racist motive because a) the defendants carried out particularly cruel, violent and painful acts against two middle-aged women, b) whom they even did not know, c) with a total lack of emotional or moral qualms, d) targeting them because of their descent as unwanted foreigners, e) they demonstrated power and superiority over all by carrying the above criminal offences during day-time, in the middle of the street and a densely populated area of Athens.	"οι κατηγορούμενοι και λοιποί συνανταυροί τους επέδειξαν σε βάρος των δύο μεσηλικών γυναικών, τις οποίες δε γνώριζαν καν, ιδιαίτερη σκληρότητα, βιαιότητα και αναλγησία, παντελή έλλειψη συναισθημάτων, ηθικού ή ψυχικού φραγκού, υποκινούμενοι αποκλειστικά και μόνο από ρατσιστικό κίνητρο, στοχοποιώντας τες λόγω της καταγωγής τους ως ανεπιθύμητες αλλοδαπές, συνεπεία δε τούτου τα ένομα αγαθά τους όπως η αξιοπρέπεια, η περιορισμένη περιουσία τους ακόμα δε και η σωματική τους ακεραιότητα δεν είχαν γι' αυτούς οποιαδήποτε αξία, επιδεικνύοντας ισχύ και υπεροχή έναντι πάντων, αφού προέβησαν στην παραπάνω εγκληματική δραστηριότητά τους, κατά τη διάρκεια της ημέρας, εν μέση οδού, σε πυκνοκατοικημένη περιοχή των Αθηνών. Πρέπει συνεπώς να κηρυχθούν ένοχοι των ανωτέρω εγκλημάτων κατά τα στο διατακτικό οριζόμενα, με την επιβαρυντική περίσταση του άρθρου 81 Α ΠΚ" "The defendants and co-perpetrators carried out particularly cruel, violent and painful acts against two middle-aged women, whom they even did not know, with a total lack of emotional or moral qualms, motivated solely and only by racist bias, targeting them because of their descent as unwanted foreigners and as a consequence, protected virtues such as their dignity, their small property and even their physical integrity were of no value to them [the defendants]. Instead they demonstrated power and superiority over all by carrying the above criminal offences during day-time, in the middle of the street and a densely populated area of Athens. Therefore they should be declared guilty of the above offences under the aggravating circumstance of article 81A [of the Criminal Code]. Decision 3045/2015, Third Single-Member Felony Appeals Court of Athens (Γ Μονομελές Εφετείο Κακούργημάτων Αθηνών)(There is no access to the text of the decision, however excerpts were published by the Greek Council of Refugees in Greek at: http://www.gcr.gr/index.php/en/news/press-releases-announcements/item/5... last accessed on 12/10/2017)."

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