

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
Hungary	2015	Hungary / County Court of Kecskemét / Decision no. 5.B.154/2013/58	http://ukp.birosag.hu/portal-frontend/stream/birosagKod/0300/hatarozatAzonosito/B.154_2013_58/	Nationality	County Court of Kecskemét (Kecskeméti Törvényszék)	The defendant was a guard at the Alien-Police Detention Facility of Bács-Kiskun County. Thirty-eight asylum seekers were detained in the facility as of 7 October 2011. In the morning, the detained people started a riot, and rejected the orders of the guards, attempted to escape, and damaged furniture in their cells. Four detainees (Sudanese and Libyan nationals) were locked into solitary cells after the riot was over. During that night, the defendant (the guard) beat the four detainees, forced one of them to eat after he decided to go on hunger strike, and kicked another in the stomach. The guard even yelled at one of the victims 'Damn dreadlocks'.	The court decided the defendant used the term 'damn dreadlocks' only to refer to the hairstyle of the victim and not to discriminate against him based on his race. The court emphasised that, based on the testimony of several witnesses, the victim was often called 'dreadlocks' by his cellmates, therefore, the guard's action was due to the grudge he felt because of the morning's incident, and did not constitute a hate crime.	The main question was whether the guard's behaviour was an act of revenge or hate, and whether the yelling proved a discriminatory, racist or xenophobic motive of the perpetrator.	While it was obvious that the perpetrator committed the crime of assault and battery, and the crime of mistreatment in official proceedings, the court had to examine whether the term 'damn dreadlocks' constitutes a racist/xenophobic motive.	Excerpt from the reasoning of the decision: 'A gúnyolódásból nem lehet arra következtetni, hogy a vádlott a sértett közösséghez tartozását akarta kifejezni, illetve, hogy valamilyen közösséghez tartozása miatt bántalmazta.' 'The mocking was not due to the victim's discrimination based on his race, therefore, the defendant did not assault him because of his race.'

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