

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
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Bulgaria	2016	Bulgaria / Supreme Court of Cassation / Decision no. 71 of 28 July 2016 on criminal case no. 123/2016	https://www.vks.bg/pregled-akt.jsp?type=ot-delo&id=FC1E26848B2D0F3EC2257FFE0040AB2E	Religion	Supreme Court of Cassation (Върховен касационен съд)	The case is about 13 Muslims charged with incitement to hatred and participation in an organisation preaching antidemocratic ideology (the Salafi movement within Islam). The first and second instance courts on the case, the Pazardzhik District Court (PDC), and the Plovdiv Court of Appeal (PCA) respectively, convicted the defendants. One of them had to serve a prison sentence, two others received suspended sentences and the rest fines.	The Supreme Court of Cassation (SCC) repealed the sentence and returned the case to the second instance court for another hearing by a different panel of judges.	The first and the second instance courts justified their decision to sentence the defendants for incitement to hatred by pointing out that, being an antidemocratic ideology, the Salafi movement embedded hatred to everything that was not in line with its ideology. According to the Supreme Court of Cassation (SCC) that reasoning was insufficient. The supreme court judges pointed out that the Salafi movement was not among the ideologies undoubtedly considered as antidemocratic.	The case clarifies the concept of when the preaching of certain religious ideas can be considered incitement to religious hatred. According to the decision, the preaching of an antidemocratic religious ideology alone does not constitute incitement to hatred. Instead, concrete ideas and actions, by which the person has incited to hatred, must be identified and duly supported by evidence.	„Въззивният съд не е посочил фактите и обстоятелствата, въз основа на които е приел реализирано от подсъд. А. престъпление по чл. 164, ал. 1 от НК. Направил е съждение, че подсъдимият е "... проповядвал омраза на религиозна основа чрез слово, изразяваща се във враждебност и отричане на всичко, несъобразено с идеологията на салафизма, чрез разпространение на религиозни идеи по време на петъчни молитви в джамиите, лекции, проповеди, срещи в кафенетата". Чрез кои конкретно посочени действия на подсъдимия е направен този извод съдът не е описал в съдебния си акт. Чрез кои доказателства е обоснован този извод - съдът не е дал отговор, нито ги е посочил. Чрез кои религиозни идеи е проповядвана омразата - също." "The court of appeal did not state the facts and circumstances, based on which it accepted that the defendant A. had committed the crime under Art. 164, para. 1 of the Criminal Code. It made a judgment that the defendant was "... preaching hatred on religious grounds through speech, expressed in hostility and denial of everything that was not in compliance with the ideology of Salafism, through the dissemination of religious ideas during Friday prayers at mosques, lectures, sermons, meetings in cafes". Which specifically mentioned actions of the defendant has lead the court to this conclusion is not described in the judicial act. What evidence have justified this conclusion - the court has not given an answer, nor has it indicated them. By which religious ideas the hatred has been preached - [is not indicated] too."

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