

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	2016	Germany / Local Court Duisburg / 81 Ds 78/16	http://www.justiz.nrw.de/nrwe/ags/duisburg/ag_duisburg/2016/81_Ds_78_16_Urteil_20160610.html	Nationality	Local Court (Amtsgericht)	The defendant published untrue claims that refugees had kidnapped and raped five German girls between the ages of eight to ten on his internet blog. He further published the untrue assertion that the school authority of Northrhine-Westphalia published an official warning related to the case.	Sentence to nine months prison, confiscation of the laptop. Sentence suspended.	The assertions published by the defendant may disturb public peace and incite hate against parts of the population, in this case against refugees. His assertions have been consciously made for this purpose, and he was fully aware that they were untrue. This constitutes sedition according to §130 Abs. 1 Criminal Law.	Sedition; difference freedom of speech, untrue assertion of alleged facts, and sedition for hate against parts of the population endangering public peace.	"Also considering the general context, his untrue assertion of facts intends not to contribute to the opinion formation protected by the constitution, but intends to propagate untrue facts for slurring refugees living in Germany and for inciting hate against refugees." "Es handelt sich daher auch unter der Berücksichtigung des Gesamtkontextes lediglich um eine unwahre Tatsachenbehauptung, die nicht zu einer verfassungsrechtlich gewährleisteten Meinungsbildung beitragen kann und soll, sondern die einzig dazu dient falsche Fakten darzustellen, um die in Deutschland lebenden Flüchtlinge verächtlich zu machen und zum Hass gegen diese aufzustacheln."

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