

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
Ireland	2016	Ireland / Court of Appeal / No. 162/15 / The People at the Suit of the Director of Public Prosecutions v. Kris Collins	https://www.courts.ie/acc/alfresco/9c708f41-24a8-4aa2-9a2d-840b8b7a14dd/2016_IECA_35_1.pdf/pdf#view=fitH	Racial or ethnic origin	IECA, Court of Appeal	This case relates to the previous conviction of a man of Irish descent for a sudden physical assault on a person perceived to be a foreign national. The assault resulted in the victim suffering serious life-threatening head injuries and in need of surgery. This case was an appeal against the severity of a sentence of eight years imprisonment that was imposed on the appellant. The victim was a Kurdish born 24-year-old man, a Muslim, who had recently become an Irish citizen. While socialising, the victim was suddenly and without warning struck with a head butt by the appellant. The victim suffered serious injury requiring emergency surgery.	The original conviction resulted in a sentence of eight years imprisonment. In assessing a number of mitigating factors thought to have been improperly taken into account at the original sentencing hearing, the judge reduced the sentence from eight years to five years and suspended the final 12 months of the custodial sentence. The appellant was subject to the appellant entering into a bond to keep the peace for a period of two years following his release from custody.	In relation to the judge taking account of the fact that the offence may have been racially motivated, it was reported that the judge in the original trial had been prompted to do this by a sentence in the probation report which quotes the appellant as saying "he says he watched two foreign nationals cross the road to his girlfriend". By reference to this sentence the judge said that he felt that it was highly probable that the attack had some element of racism to an unspecified degree.	The issue of anti-migrant bias as an aggravating factor and its subsequent impact on sentencing has been acknowledged as factor for consideration. However, it cannot be determined from the court report if this had an actual impact on the severity of the sentence.	"It is not clear what role, if any, this concern about a possible racist motivation had when it came to the selection of sentence. Undoubtedly it is the case that if an offence is racially motivated that would be regarded as an aggravating factor."

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