

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	2017	Germany / Federal Court of Justice (Bundesgerichtshof) / JM 58/17, ECLI:DE:BGH:2017:29117BAKS9.17.0	http://juris.bundesgerichtshof.de/cgi-bin/rechtsprechung/document.py?Gericht=bgh&Art=en&sid=757483829761da3e1dfdc403e66e16&nr=801933&pos=5&anz=1	Migrant status, Racial or ethnic origin	Federal Court of Justice (Bundesgerichtshof)	A lieutenant general of the German Armed Forces - after having obtained various weapons - reported himself to the authorities under a false name as a refugee from Syria and went through the asylum procedure in Germany. He was accused of planning attacks on high-ranking politicians and other - from his point of view - "refugee friendly" - persons under his false Syrian identity to cast suspicion on asylum seekers out of a xenophobic motivation and was arrested in April 2017.	The warrant was repealed.	The Court repealed the arrest warrant because it denied an urgent suspicion of the preparation of state threatening crimes. The Court held that there were too many contradictions in the investigation procedure, and found it unlikely that the defendant had actually prepared an assassination attempt on a public figure in the accused manner. The sentence of the other accused offences would not justify pre-trial detention.	The Federal Supreme Court had to decide whether there was an urgent suspicion regarding the preparation of a serious act of violence that posed a threat to the state and whether the accused therefore had to remain in pre-trial detention.	"Hinsichtlich dieses Tatverwurfes besteht nach dem derzeitigen Stand der Ermittlungen kein dringender Tatverdacht. [...] Soweit der Haftbefehl vom 24. Oktober 2017 weiterhin davon aussieht, der Beschuldigte habe den Verdacht nach der Begehung der schweren staatsgefährdenden Gewalttat auf die in Deutschland lebenden Flüchtlinge lenken wollen, ist nicht dargelegt, auf welche Weise dies habe geschehen sollen." "As far as this allegation is concerned, there is no urgent suspicion at this stage of the investigation. [...] To the extent that the arrest warrant of 24 October 2017 still assumes that the accused wanted to direct the suspicion to refugees living in Germany [...], it has not been shown how this should have been done."

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