

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 / Administrative Court of Munich (Verwaltungsgericht München) / M 22 E 17.1861 ECLI:DE:VG MUENC:2017:0727.M22E17.1861.OA	https://openjur.de/u/2283250.html	Religion	Administrative Court of Munich (Verwaltungsgericht München)	The applicant, leader of the political party Alternative for Germany (AfD) in Bavaria, wanted to stop the State Office for the Protection of the Constitution (Landesamt für Verfassungsschutz) to surveil him and to talk publicly about this surveillance. Previously, he had publicly expressed his sympathy for the Identitarian Movement (IB), a far-right political movement, with the following comment: "Likewise, I do not succeed (even after several observations) in reading something negative out of the IB's motto: "Homeland, Freedom, Tradition – Stop multiculturalism". Personally, I prefer that Christian crosses continue to stand on the summits of the Bavarian mountains rather than that the Islamic crescent moon is enthroned there." This had triggered the observation of the applicant by the State Office for the Protection of the Constitution, the regional branch of the domestic intelligence service.	The applicant was only partially successful. His surveillance was considered legitimate. However, the court acknowledged that the authorities should refrain from mentioning his name or quoting him in public in connection with this surveillance.	The Office for the Protection of the Constitution was allowed to continue to surveil the applicant by using open sources but was not allowed to name him publicly because this would result in stigmatisation. There are actual indications that the Identitarian Movement is suspicious of anti-constitutional efforts.	Balancing the public interest of surveillance with the applicant's fundamental rights (right to privacy and freedom of expression).	"Mit den in seiner Funktion als ... Landesvorsitzender der ... getätigten Äußerungen hat der Antragsteller die IBD auch nachdrücklich unterstützt und damit tatsächliche Anhaltspunkte für verfassungsfeindliche Bestrebungen begründet." "With the statements made in his function as chairman of the ..., the applicant has also emphatically supported the IBD and thus established actual indications of anti-constitutional efforts."

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