

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
Greece	2017	Greece / ECtHR/Application no. 17249/10/Gijkondi and Others v. Greece	http://hudoc.echr.coe.int/eng/?i=001-179560	Racial or ethnic origin	European Court of Human Rights	The case concerned the murder of an Albanian national, L. B., by an unidentified individual in central Athens. The applicants are the deceased's parents and sister. The Court found in particular that the competent authorities had not dealt with the case with the necessary diligence, and that the question of the existence of a racist motive had not been examined.	The Court held that Greece was to pay each of the applicants 13,000 Euros (EUR) in respect of non pecuniary damage and EUR 2,000 jointly in respect of costs and expenses.	The Court noted that the judicial authorities had been alerted of the possibility of a racist motive when the victim's relative had lodged his complaint. However, no action had been undertaken to investigate the existence of such a motive. In particular, the suspect had never been questioned on his general attitude to the victim's ethno-cultural group, nor had the authorities sought to ascertain, for example, whether he had in the past been involved in violent acts with racial overtones or if he had had sympathies with extremist or racist ideologies. The Court held that the authorities ought to have conducted a more detailed assessment of all the facts in order to uncover a possible racist motive.	The ECtHR examined the obligation to investigate the racist motive of a crime as a requirement of the procedural limb of Article 2 of the ECHR.	" 121. Le devoir des autorités de rechercher s'il existe un lien entre des attitudes racistes et un acte de violence fait ainsi partie de la responsabilité qui incombe aux États, en vertu de l'article 14 de la Convention combiné avec l'article 2, mais constitue également un aspect des obligations procédurales découlant de l'article 2 de la Convention. Compte tenu de l'interaction des deux dispositions, on peut considérer ou bien que des questions comme celles de l'espèce appellent un examen sur le terrain de l'une des deux dispositions seulement, et qu'aucun problème distinct ne se pose au regard de l'autre, ou bien qu'elles exigent un examen sous l'angle des deux articles. Ce problème doit être tranché dans chaque cas, selon les faits et la nature des allégations formulées (voir, mutatis mutandis, Nachova et autres, précité, § 161). Dans la présente espèce, compte tenu des allégations formulées par les requérants, la Cour considère qu'il convient d'examiner le grief sous l'angle de l'article 2 de la Convention." "The duty of the authorities to investigate whether there is a link between racist attitudes and an act of violence thus falls within the responsibility of States under Article 14 of the Convention taken in conjunction with Article 2, but is also an aspect of the procedural obligations under Article 2 of the Convention. Given the interplay between the two provisions, it may be considered that issues such as those in this case call for an on-the-ground review of only one of the two provisions, and that no distinct issue arises on the other, or that they require examination under the two articles. This problem must be decided in each case, depending on the facts and the nature of the allegations made (see, mutatis mutandis, Nachova and Others, cited above, § 161). In the present case, in view of the applicants' allegations, the Court considers that the complaint must be examined under Article 2 of the Convention."

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