

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
Malta	2017	Malta / Civil Court of Appeal (Inferior) / No. 328/2006 / Norman Lowell v Saviour Balzan, Kurt Sansone and Matthew Vella	https://ecourts.gov.mt/online-services/judgements/Details?judgementId=0&CaseJudgementId=105712	Racial or ethnic origin	Civil Court of Appeal (Inferior)	The Court of Civil Appeal heard the appeal filed by Mr Norman Lowell who was suing three journalists working for the national newspaper MaltaToday for libel damages. During the night of the 12th and 13th of May 2006, unknown persons set fire to an independent journalist's residential home after she had written a number of articles against Mr Lowell. On that same night, Mr Lowell was holding a barbecue for his right-wing organization very close to where the arson was committed. Consequently, the three MaltaToday journalists wrote articles insinuating that Mr. Lowell's organization was involved in the arson, whilst also calling him a 'neo Nazi'. Mr Lowell pleaded that this was untrue and that he is not a 'neo Nazi'.	The Court of Civil Appeal rejected Mr Lowell's appeal and confirmed the first Court's ruling in that the article was not held to be libellous	The Court of Civil Appeal quoted the ECtHR decision Broda v Germany (5709/09, 17 April 2014) and held that there is indeed proof that leaves no doubt that Mr Lowell was against migration and migrants. According to the Court of Civil Appeal, any reasonable reader can derive racism, xenophobia and hatred from Mr Lowell's political messages.	The Court of Civil Appeal held that even though Freedom of Speech is a right that belongs to everyone, including politicians and public figures, this does not give them the licence to encourage hostility and violence against any particular group in society, especially such public figures who have widespread influence on society. The term 'neo Nazi' can clearly be elicited from the public political persona of Mr Lowell and his extreme far right remarks.	"Fil-fehma tal-qorti il-kelma neo-Nazi fil-kuntest li ntuzat, hi value judgment." "It is the opinion of the Court that the word neo-Nazi in the context it was used, is a value judgment."

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