

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	2018	Germany / District Court of Traunstein (Amtsgericht Traunstein) / Kls 450 Js 12135/18 ECLI:DE:LGTRAUN:2018:1130.KL5450JS12135.18J.0A	https://openjur.de/u/2279535.html	Migrant status	District Court of Traunstein (Amtsgericht Traunstein)	Between February and April 2018, the two accused men threw two homemade incendiary devices and an explosive device at an asylum seekers' home in Nussdorf. They also painted a swastika on the building. Nobody was injured but they knew that the building was inhabited by many people. Nazi and Hitler pictures with texts trivializing the Nazi era had also been found on the computer of one of the defendants.	The Chamber sentenced the two defendants to three years and nine months imprisonment each.	The Court found the defendants guilty of attempted serious arson and use of signs of unconstitutional organizations. The court severely punished the xenophobic, inhuman and racist motivation of the accused's actions. The fact that they acted at night under the protection of darkness was perfidious and cowardly, the Court decided.	Both defendants made confessions, had expressed regret and an alcohol-related disinhibition was involved in all offences. Therefore, the court had to take all circumstances into consideration when sentencing. The racist and xenophobic motivation of the crime was considered as an aggravating circumstance.	"Zudem ist zu sehen, dass den Taten eine rassistische, fremdenfeindliche und menschenverachtende Gesinnung (§ 46 Abs. 2 StGB) zugrunde lag, eine Gesinnung, die bereits seit zumindest 2013 bestand, sich nach dem Kontakt zu Z. im Jahr 2017 deutlich steigerte und von der er sich erst während der Inhaftierung schrittweise zu distanzieren begonnen hat." "In addition, it can be seen that the acts were based on a racist, xenophobic and inhuman attitude (§ 46 (2) of the Criminal Code), an attitude which had already existed since at least 2013, increased significantly after contact with Z. in 2017 and from which he only gradually began to distance himself during imprisonment."

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