

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
Hungary	2018	Hungary /Szeged court of Appeals/ Bf.324/2018/18	https://birosag.hu/birosagi-hatarozatok-gyujtemenye	Migrant status	Szeged Court of Appeals	In 2015, a group of migrants were stopped by the newly built border fence between Serbia and Hungary. Ahmed H., the defendant was the one who spoke to the police and the migrants in a microphone. First, he called the police to let them cross, asked the crowd to calm down but as the police did not open the gates, the crowd became more and more violent and began throwing objects at the police who started to use tear gas and a water cannon as a response. The defendant threw stones towards the police and also illegally entered Hungary by climbing through a fence that was damaged by someone else. Soon after, the defendant was taken into pretrial detention for charges on terrorism.	The first instance court sentenced the defendant to 10 years of imprisonment for "terrorism" and "illegal border crossing" and ordered his expulsion from the country. After the appeals, the final judgement by the Szeged Court of Appeals reduced the sentence of Ahmed H. to 5 years imprisonment but upheld the terrorism charge (and the illegal border crossing as well). It moreover expelled the defendant from Hungary for 10 years.	The defence appealed against charges on terrorism and claimed the right classification is an assault on a public official. The Szeged Court of Appeals argued that an offender of a terrorist act coerces public officials in decision-making power into doing, not doing or countenancing something. It noted that even if the defendant did not threaten the police at first, immediately after he realised that the police were not willing to open the gate, he started to act violently together with the crowd. Thus, he intended to coerce the decision-makers of the police to open the gate rather than each or one of the police officials protecting the gate.	The key issue of the case was whether the defendant could be charged on a crime as serious as terrorism. The defence argued that it is a misuse of the law and that his crime can only be classified as an assault on a public official as his statements and acts did not aim to threaten or give them an ultimatum to open the border, moreover, Ahmed H. was rather calming down the crowd. The prosecution, however, argued that Ahmed H. aimed to coerce the decision-makers in the police by throwing objects at them, as others in the crowd did.	„A terrorcselekmény büntette az állami szerv vezetőinek a kényszerítésére irányuló ún. terrorista célzat léte miatt különbözik a hivatalos személy elleni erőszak büntettétől, ahol a személy elleni erőszakkal csak azokat akarja az elkövető kényszeríteni, akire az erőszak közvetlenül irányul.” „The act of terrorism differs from an assault on a public official because of its terrorist intention, which is the intention to coerce state authorities in decision-making power. Perpetrators of the latter crime only intend to coerce directly those officials who are the targets of their violent act.” (Szeged court of Appeals, Decision of Bf.324/2018/18, p. 8.).

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