

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	2018	Malta / Court of Magistrates / Pulizija y Brandon Bonello	https://ecourts.gov.mt/online-services/judgements/details?judgementid=05&casejudgementid=109986	Religion, Racial or ethnic origin, Migrant status	Court of Magistrates (Criminal Judicature)	Case deals with accusations of incitement to racial hatred and misuse of communication technology by the accused by posting in a facebook group statements that were considered offensive. The complaint was brought by a Muslim Maltese Citizen who considered herself aggrieved by the post. Speaking about the complainant, the accused posted: "Tmur tidu fox kemm anda ... awnhekk edin pajizna ... ahna religion wihead biss ... huma guests iridu jimxu al ligijiet tagħna ... ma jogħhomx?? Fuck off back to your country!" (She can go f** herself, here we are in our own country...we have only one religion...they are guests and should following our law...they don't like it?	Not guilty.	The court notes that the analysis of the responsibility of the accused must not only consider the words he placed himself but also the context in which they are placed, including the words by others. Moreover, court notes that freedom of expression has limitations. Whilst comment may jump the line of mediocrity, it may not jump the limits established by law. That said, in this case, the court notes the comments as an expression of the accused's views and not one intended to or likely to stir up racial hatred.	The key issue in this case revolved around whether the court considered the intention of the accused as being that of stirring up racial hatred. The court determined this not to be the case.	"Illi din il-Qorti jidherha li l-analizi dwar ir-responsabbiltà o meno tal-imputat ma tridx tikkoncentra biss fuq il-kliem pubbliċat mill-imputat, bħala frażi waħedha u fl-astratt, iżda wkoll trid titgħies fil-kuntest ta' dak li jkun qed jiġi miksub minnu u minn haddiehor; mhux l-inqas il-lok fejn il-kumment ikun sar u cirkostanzi oħra li jkunu jdur miegħu." "In the view of this court, the analysis of the responsibility or otherwise of the accused can't centres on the words published by the accused, but also must consider the context of what is being written by him and others, as well as the place where the comment is made and other surrounding circumstances. "

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