

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	2019	Germany / Federal Administrative Court (Bundesverwaltungsgericht) / 2 WDB 3.19 / ECLI:DE:BVerwG:2019:091019B2WDB3.19.0	https://www.bverwg.de/091019B2WDB3.19.0	Migrant status, Religion	Federal Administrative Court (Bundesverwaltungsgericht)	A soldier had made several racist, antisemitic and anti-Muslim statements in a WhatsApp Group and towards a lieutenant. He had shared, for example, in the WhatsApp group a picture showing a helmet of a Christian crusader with the slogan 'There doesn't need to be a Muslim ban, if there are no Muslims' and said to the lieutenant that the refugee crisis could be solved by shooting down the refugee boats in the Mediterranean Sea. Thereupon the soldier's commander took disciplinary action by temporarily suspending the soldier of duty, prohibiting him wearing the uniform and cutting his pay. The military disciplinary court overturned the commander's order. Against this decision the military disciplinary lawyer of the Federal Armed Forces (Bundeswehr) opened disciplinary proceedings.	The complaint of the military disciplinary lawyer was partially successful.	The Federal Administrative Court confirmed the temporary suspension of the soldier's duty as well as the prohibition of wearing the uniform due to the nationalistic, racist and antisemitic content of his statements. The cutting of pay was not confirmed as the Court found it unlikely that the soldier adheres to Nazi ideology.	The Federal Administrative Court had to decide whether the soldier's statements did justify disciplinary action against him.	"Die Äußerungen sind auch bei Berücksichtigung des Hintergrunds, vor dem sie gefallen sind, ihrem Inhalt nach nationalistisch, rassistisch und antisemitisch; insbesondere die 'Unterhaltungskomponente' ändert nichts an dem objektiven Sinn und Gehalt der Äußerungen." "The statements are, even when considering the circumstances in which they have been made, of nationalistic, racist and antisemitic content; particularly the 'component of entertainment' does not change the objective meaning and content of the statement."

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