DATABASE 2012-2024 ON ANTI-MUSLIM HATRED

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

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Serbia	2020	Serbia / Higher Court in Subotica/5.K. 78/19		Racial or ethnic origin	Higher Court	The perpetrator of the crime, in a state of insanity, caused national hatred among the peoples or ethnic communities in Serbia by entering a bakery owned by members of the Albanian ethnic community, which is located in Subotica. On that occasion, he threw a set of keys on the counter and loudly insulted members of the Albanian ethnic community and threatened Albanians. *Discrimination and hatred against national minorities in Serbia, especially against Albanians are closely related to anti-Muslim hatred. This is also a finding from the research: Ejub Kostić, I. (2020), 'Islamophobia in Serbia National Report 2019' in: Bayrakli, E., Hafez, F. (eds.), European Islamophobia Report 2019, Ankara, SETA Foundation for Political, Economic and Social Research, pp. 679-702. Even though there might be Albanians who are atheists, they are widely perceived as Muslims by perpetrators. In this case the court itself does not separate national, ethnic, and religious discrimination and hatred.	The Higher Court in Subotica imposed the security measure of mandatory psychiatric treatment outside institution as envisaged by Article 82 of the Criminal Code on the perpetrator of the criminal act from Article 317, paragraph 1 of the Criminal Code, which will last as long as there is a need, for a maximum of three years. If he does not undergo the treatment referred to in Article 82 of the Criminal Code, that measure may be replaced by a security measure of mandatory treatment in a health institution.	The Higher Court in Subotica found that the perpetrator committed a criminal act under Article 317, paragraph 1 of the Criminal Code (Incitement to national, racial and religious hatred and intolerance).	Considering that the perpetrator of the criminal act envisaged by Article 317, paragraph 1 of the Criminal Code was in a state of insanity, at the time of committing that act, the High Court therefore imposed a security measure on the perpetrator of the illegal act instead of punishment, as a form of criminal sanction.	

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