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
Serbia	2022	Serbia / The Court of Appeal in Belgrade / Kž 978/2022		Nationality	The Court of Appeal in Belgrade (Apelacioni sud u Beogradu)	The Higher Court in Pančevo (trial court) convicted the defendant of incitement of national, racial, and religious hatred and intolerance and sentenced him to four-month prison term. The trial court found that the defendant, a Kosovo war veteran, was guilty of vandalizing a bakery shop owned by an Albanian, thus inciting hatred among Serbs and Albanians in the local community. The trial court ordered defendant's treatment in a psychiatric ward and issued a restraining order. The defendant appealed arguing the lack of his criminal intent, as he did not target the bakery based on the victim's nationality, which he was unaware of, but because of the past quarrel. The public prosecutor appealed against the ruling on the sanctions requesting the longer prison term.	The Court rejected the appeals and upheld the first instance ruling. This decision was final. The case is closed. The defendant was sentenced to the four-month prison with security measures: mandatory treatment in a psychiatric ward, and a restraining order for the period of three years.	The Court of Appeal in Belgrade found the appeal groundless. The trial court had correctly established defendant's criminal intent, as proven by the witness statements and the fact that he had vandalized the same bakery multiple times in the past without being prosecuted. The defendant must have been aware of the victim's nationality, as the crime occurred in a small place, where everybody knows everybody, and the bakery had a visible sign with owner's Albanian name, which the defendant could have recognized as he was a combatant in Kosovo. The trial court correctly ruled on the sanctions by considering all the aggravating and extenuating circumstances, especially defendant's being a traumatized war veteran.	One of the key issues was whether the defendant was aware of the victim's nationality and intended to incite national hatred in his community. The court opined that the defendant must have been aware of victim's nationality given the fact that the criminal act took place in a small town and that the vandalized bakery had a visible sign with owner's Albanian name.	" (...) умишљај окривљеног обухвата свест да својим радњама може изазвати националну, расну, или верску мржњу и нетрпељивост, с тим да није неопходно да она буде изазвана, већ да се ради о радњама које објективно могу изазвати такву последицу (...) радња коју је предузео окривљени (...) оставља јасну поруку да се изазове мржња или нетрпељивост према припадницима албанске националности." Стр. 5 "(...) defendant's criminal intent is the awareness that his acts can incite national, racial, or religious hatred or intolerance, however it is not necessary that the hatred is actually incited, but that the criminal acts can objectively lead to this result (...) the act perpetrated by the defendant (...) delivers a clear message of hatred or intolerance against Albanian nationals." p. 5

DISCLAIMER The information presented here is collected under contract by the FRA's research network FRANET. The information and views contained do not necessarily reflect the views or the official position of the FRA.

http://fra.europa.eu/en/databases/anti-muslim-hatred/

Copyright © 2025 European Union Agency for Fundamental Rights