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 315/2022		Nationality	The Court of Appeal in Belgrade (Apelacioni sud u Beogradu)	The Higher Court in Valjevo (trial court) acquitted the defendant for continued incitement of national, racial, and religious hatred. The defendant was allegedly calling the Albanian owners of a bakery shop Shiptars, telling them that they could not run a business in Serbia and threatening to deport them to Kosovo and blast their shop. He was deterring the locals from shopping in their bakery. The trial court found that the defendant was not guilty as his actions did not result in severely deteriorated relations between groups of different nations. Also, victims' statements were allegedly contradictory. The public prosecutor appealed against first instance decision for inconsistent reasoning based on erroneous facts.	The Court of Appeal in Belgrade quashed the first instance decision and ordered retrial before the Higher Court in Valjevo. In the new trial, the court is to correctly establish all the relevant facts of the case taking into account entire victims' statements and especially the allegation that they reported defendant several times to the police. The case is subject to appeal.	The Court of Appeal in Belgrade quashed the first instance decision for wrongful inferences and incomplete factual basis. The testimonies clearly showed that the defendant threatened to deport Albanians to Kosovo and to blast their bakery. Victims' statements had minor discrepancies in the wording but this did not mean that they were not truthful given that they described the context in the same way. The court reiterated that the incitement of national hatred does not have to result in actual deterioration of the relations among groups.	The key issue was whether the trial court correctly assessed the veracity of victims' statements and whether its understanding of the result of the criminal act was correct.	"Наиме, код чињенице да сведоци пред судом у конкретном случају говоре о истом контексту речи окривљеног али при том те његове речи не изговарају у идентичном облику, према ставу овог суда не значи да сведоци пред судом не говоре истину, а све у циљу лажног терећења окривљеног." Стр. 3 "However, the fact that witnesses before the court, in this concrete case, speak about defendant's words in the same context, but do not identically quote his words, does not mean according to this court, that witnesses do not tell the truth in order to wrongfully prosecute the defendant." p. 3

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