

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	2022	Serbia / The Misdemeanor Court in Belgrade / 114 Pr. 19357/22		Racial or ethnic origin	The Misdemeanor Court in Belgrade (Prekršajni sud u Beogradu)	The NGO Youth Initiative for Human Rights (YIHR) filed a complaint with the public prosecutor and misdemeanor court against a group of sport fans for hate speech in violation of the law prohibiting neofascist manifestations. Ahead of a water polo game, the group of sport fans gathered in Belgrade city center and sang "Ratko Mladic is a Serbian hero" thus praising a perpetrator of genocide against Bosnian Muslims. The group moved to the sport hall and held a banner "Šiptars, Croats, and Bosniaks are not our brothers" in protest against the water polo club's coach, a Croat from Montenegro. The YIHR could not name the perpetrators, but corroborated the complaint with their photos and video recordings. The Misdemeanor Court in Belgrade declared the complaint against unknown perpetrators inadmissible. The YIHR appealed arguing that the authorities failed to conduct effective investigation and sanction hate speech.	The trial court declared the complaint inadmissible. The YIHR appealed to the Misdemeanor Court of Appeal in Belgrade.	The court declared the complaint inadmissible as it was as "incomplete." The court stated that the complaint did not contain any information about perpetrators' identity and that the court could not try unknown perpetrators pursuant to Article 181 (1) (3) of the Misdemeanor Act.	The key issue was whether the complainant bore the burden of proof concerning perpetrators' identity or it was court's duty to establish their identity based on submitted evidence, such as photos and video recordings. The complainant argued that private actors lack authority to seek and collect personal data and that state authorities bear a duty to conduct effective investigation.	" Како поднети захтев није сачињен у складу са чланом 181 став 1 тачка 3 Закона о прекршајима јер исти није садржао ниједан податак о окривљенима (...) то је суд својим дописом (...) наложио подносиоцу захтева да изврши допуну захтева. Подносилац захтева (...) није доставио ниједан од тражених података (...) те сагласно томе није поступио по налогу суда (...). Стр. 1. "Since the filed complaint is not aligned with Article 1 para. 1 (3) of the Misdemeanor Act because it did not contain any personal data of the accused group (...) the court has ordered the complainant to corroborate the complaint. The complainant (...) did not submit any of the requested data (...) and, therefore, did not comply with the court's order. p. 1.

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