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
Bulgaria	2024	Bulgaria / Supreme Court of Cassation / Court Order No 1581 of 2 April 2024 on civil case No 3282/2023	https://www.vks.bg/pregled-akt.jsp?type=ot-spisak&id=1822FCC74F92735AC2258AF40029D491	Religion	Supreme Court of Cassation (Върховен касационен съд)	The case concerns the non-pecuniary damage suffered by the applicant as a result of harassment on the grounds of religion, as defined in §1, item 1 of the Additional Provisions of the Protection against Discrimination Act. The harassment included the use of offensive remarks about the applicant's religion (stating that "Islam is the religion of terrorists"), shouting to disrupt the verbal recitation of prayers, destruction of gifts, forcibly giving the applicant food and water, encouraging other prisoners not to listen to the applicant's discussions about Islam, and physical violence against the applicant while they were performing prayer rituals, including being kicked in the back and pushed. The first and second instance courts convicted the defendants to cease and desist from discriminatory acts on the grounds of religion against the applicant, and to pay them a compensation of BGN 800 (approximately €400), entered into force. The defendants appealed the decision before the Supreme Court of Cassation (SAC) (Върховен касационен съд, ВКС)	The cassation appeal against the appellate court's decision was not admitted. As a result, the contested decision convicting the defendants to cease and desist from discriminatory acts on the grounds of religion against the applicant, and to pay them a compensation of BGN 800 (approximately €400), entered into force.	The court found that no substantiated grounds for a cassation appeal. Consequently, the contested decision was not subject to cassation review. The Supreme Court of Cassation (SCC) (Върховен касационен съд, ВКС) ruled that the contested decision was valid, admissible, and free from any apparent irregularities.	According to Supreme Court of Cassation case-law, the applicant must prove facts suggesting discrimination. Once established, the defendant must then prove the applicant's right to equal treatment was not violated. In this case, the appellate court found the applicant's allegations likely valid, based on witness testimony confirming the defendants' conduct. The defendants failed to provide evidence disproving the claim. The court applied the anti-discrimination legislation in line with the relevant case-law of the Supreme Court of Cassation (SAC) (Върховен касационен съд, ВКС).	„[Съдът е счел], че ответниците, които заедно с ищеца изтърпяват наказание лишаване от свобода в Затвора - Стара Загора, са осъществили спрямо него в периода 09.12.2016 г. - 09.12.2021 г. тормоз по смисъла на § 1, т. 1 ДР на ЗЗДискр. на основата на признака „религия" – чрез използване на обидни изрази спрямо религията на ищеца („че ислямът е религия на терористи"), викане с цел да осуетят словесното изричане на молитви, унищожаване на дарове, принудително даване на храна и вода на ищеца, разговори с други затворници да не слушат разсъжденията на ищеца за религията „ислям", както и чрез упражнено спрямо ищеца физическо насилие докато изпълнява молитвени ритуали – ритане в гръб и бутане. Приел е, че тези действия на ответниците са довели до накърняване на достойнството на ищеца и са създали унизителна, принизяваща го, негативна среда." "[The court held] that the defendants, who together with the applicant were serving a prison sentence in the Stara Zagora Prison, had harassed the applicant in the period from 09.12.2016 to 09.12.2021 within the meaning of §1(1) of the Protection against Discrimination Act based on the attribute of "religion" – by using insulting expressions against the applicant's religion ("that Islam is a religion of terrorists"), shouting in order to prevent the verbal recitation of prayers, destruction of gifts, forcibly giving the applicant food and water, talking to other prisoners not to listen to the applicant's reasoning about the religion "Islam", and by physically abusing the applicant while performing prayer rituals – kicking them in the back and pushing them. The appellate court held that these acts of the defendants had the effect of violating the applicant's dignity and had created a humiliating, degrading and negative environment."

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