

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
Germany	2024	Germany / Administrative Court Berlin / 6 L 180/23 ECLI:DE:VGBE:2023:1102.6L180.23.00 Germany / Higher Administrative Court Berlin-Brandenburg / 9 S 20/23 ECLI:DE:OYGBEBB:2024:0131.9S20.23.00	https://gesetzze.berlin.de/bsbe/document/NJRE001564583	Religion	Administrative Court Berlin, Higher Administrative Court Berlin-Brandenburg	The plaintiff, a journalist, had published an article both online and in print, saying about Salman Rushdie: "Millions of Muslims all over the world, who had never read a line of the book and had never heard the name, wanted to see the death sentence against the author carried out, the sooner the better, in order to cleanse the Prophet's tarnished honour with his blood." The journalist was then named in a report on anti-Muslim hatred written by an independent expert commission and published on the website of a federal ministry. The report claims that the plaintiff demonised Muslims as ignorant, honour-obsessed, bloodthirsty hordes. The plaintiff sought an injunction against being named in this way.	The Administrative Court denied the injunction and allowed for the plaintiff to be named in the report. The Higher Administrative Court granted the injunction on appeal. The relevant parts of the expert commission report were changed.	The Administrative Court found that a federal ministry is not to be considered the author of a report which it makes available, if it is clear that it was drafted by an independent expert commission. In addition, the public interest in informing the public about anti-Muslim hatred speaks against granting the injunction. The Higher Administrative Court considered the expert commission report attributable to the federal ministry. The ministry, more than other actors, has to adhere to objective discourse and refrain from statements that may affect the social standing of the plaintiff.	The injunction was sought based on Sec. 123 of the Administrative Court Act. This provision requires balancing the interests of the plaintiff against that of the public. The Administrative Court made clear that informing the public on the matter of anti-muslim hatred is as a matter of public interest. However, the Higher Court centered the finding that the report was attributable to the ministry and the statement in question did not adhere to the standard of objectiveness which is required from government authorities.	Administrative Court: "In die Betrachtung ist aber auch das mit der Publikation insgesamt verfolgte, im öffentlichen Interesse stehende Ziel miteinzubeziehen, die Bevölkerung über Ursachen und Folgen von Muslimeindlichkeit aufzuklären, um Rassismus und Extremismus als gesamtgesellschaftliche Phänomene besser bekämpfen zu können." "However, the overall aim of the publication, which is in the public interest, must also be taken into consideration, namely to educate the population about the causes and consequences of hostility towards Muslims in order to better combat racism and extremism as phenomena affecting society as a whole." Higher Administrative Court: "Mit der vom Antragsteller gerügten Passage wird nicht nüchtern dargestellt und analysiert, sondern in einer Weise paraphrasiert und bewertet, die die Grenze zur Überzeichnung überschreitet und geeignet ist, den Antragsteller herabzusetzen." "The passage criticised by the applicant does not soberly present and analyse, but paraphrases and evaluates in a way that crosses the line into exaggeration and is likely to disparage the applicant."

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

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