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
Greece	2024	Greece / Supreme Court (Criminal Section F), Decision No. 804/2024 (Αρειος Πάγος (Ε' ΠΟΙΝΙΚΕΣ), Απόφαση 804/2024	https://www.areiospagos.gr/nomologia/apofaseis_DISPLAY.asp?cd=3ROO9PULIY5ODFXVHEIZYT2TTYSUMD&apof=804_2024&info=%D0%CF%C9%CD%C9%CA%C5%D3%20-%20%20%C5	Racial or ethnic origin	Supreme Court	The case concerns the criminal offence of insult against an individual's honour with racist charachterisations about the victim's ethnic origin. The defendant verbally attacked the victim using degrading terms targeting her Albanian origin. The defendant was convicted for racially motivated verbal insult at both the first and appeal level and sought to overturn his conviction by filing a cassation against the appeals decision.	The Supreme Court found that there was no reason for cassation and the defendant's conviction was maintained. He was sentenced to 6 months imprisonment, with a three-year suspension.	The defendant claimed violation of his defence rights demonstrated by lack of justified reasoning of the contested decision. The Supreme Court rejected the cassation claiming that the contested decision did not lack the necessary reasoning but mentioned: the exact phrases targeting the victim's Albanian origin, the defendant's intent to harm the victim's honour and the externalisation of his intent by choosing the specific insulting words.	The decision sets a very important precedent of legal interpretation as the Supreme Court elaborated on the specific elements of the racist crime of insult that should be mentioned in a court decision's reasoning in order for it to contain justified reasoning.	"Ειδικότερα, στην προσβαλλόμενη ... διαλαμβάνονται οι ακόλουθες κρίσιμες ουσιαστικές παραδοχές, ήτοι : η διατύπωση από τον κατηγορούμενο και ήδη αναιρεσείοντα προφορικά των λέξεων "ΚΩΛΟΑΛΒΑΝΕΖΑ, ΣΚΥΛΑ ΑΛΒΑΝΙΔΑ", σε βάρος ατόμου αλβανικής καταγωγής, η προσβολή της τιμής της εγκαλούσας (επ) Η. (ον) Α., η πρόθεση του κατηγορουμένου να προσβάλλει την τιμή της και η εξωτερίκευση της πρόθεσης αυτής με τις παραπάνω λέξεις. [...] Κατά την αναζήτηση της ουσιαστικής αλήθειας και τη θεμελίωση σ' αυτή της τελικής κρίσης του Δικαστηρίου της ουσίας ... κατέληξε όχι επειδή δεν αποδείχθηκαν οι αρνητικοί ισχυρισμοί του κατηγορουμένου, αλλά επειδή η ενοχή του αποδείχθηκε πλήρως." "In particular, the contested ... contains the following critical substantive assumptions, namely: the verbal utterance by the accused and already appellant of the words "KOLOALVANEZA, SKYLA ALBANIDA", against a person of Albanian origin, the insult to the honour of the victim ..., the defendant's intention to insult her honour and the embodiment of that intention in the above words. [...] In the search for the substantive truth and the basis of the final judgment of the Court on the merits ...[it reached this] conclusion not because the defendant's negative allegations were not proved, but because his guilt was fully established."

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