



NEWS REPORT

Update of news report nr:	24
Date:	2 August 2011
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Title:	Higher Court Decides on the Homophobic Crime Case
Country:	Slovenia
<u>Context</u>	
Issue at stake:	Higher court confirms first instance judgment convicting three for homophobic crime.
Ground of discrimination:	Sexual orientation
Source:	National court decision II Kp 5357/2010, date of the judgment 15 June 2011
Field:	Other (hate crime)
Legislative provisions:	Article 297, paras. IV and I, of the Criminal Code.

Content

Case/law/political development: On 25 June 2009 a group of perpetrators dressed in black hoods, caps, and masks, with torches, stones and parts of asphalt in their hands went to the Open Café in Ljubljana which is known as gay-friendly. While attacking the bar, the three defendants were screaming “pedri” [“faggots”]. During the attack a man standing outside the bar suffered several bodily injuries. One of the windows of the bar was broken and one of the torches was thrown into the bar. Three of about eight perpetrators were identified and prosecuted, while the others remain unidentified. The District Criminal Court in Ljubljana (first instance court) found the three defendants guilty as accomplices to a crime of public incitement of hatred, violence or intolerance, in accordance with Article 297, paragraphs IV and I of the Criminal Code, in connection with Article 20 of the Criminal Code. Each defendant was sanctioned to 1 year and six months of imprisonment.

Decision of the Court: The Higher Court Ljubljana deciding upon the appeals filed by the defendants, on 15 June 2011 confirmed the content of

the first instance judgment. However, it considered the sentences too strict and lowered them to seven months imprisonment for two defendants and to five months for the third defendant. As the reasons justifying lowering of the sentences it stated additional mitigating circumstances, such as absence of prior criminal records, regret and apologies expressed by the defendants to the victims, termination of their cooperation with the football fan club *Green Dragons* (which is known to support homophobic attitudes), as well as the fact that their family and social lives are otherwise in order.