

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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Netherlands	2012	Netherlands / Supreme Court / Case no. 11/00864 ECLI:NL:HR:2012:BW9189	http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:HR:2012:BW9189	Racial or ethnic origin, Religion	Supreme Court (Hoge Raad)	In this case, the Supreme Court confirmed the judgement of the Court of Appeal convicting a man who put texts comparing Muslims and people of Turkish descent with monkeys, cockroaches, rats and rapists on his own website. The Court of Appeal convicted the accused under Article 137c of the Dutch criminal code which criminalizes group insult. Any claim by the owners that these texts were permissible because of their humourist character were rejected. The Supreme Court clarified that the statements of the accused fall under Article 137c of the Dutch criminal code.	The Supreme Court confirms the fine the accused received from the Court of Appeal: a fine of 1000 Euro of which 500 Euro were conditional.	The Supreme Court confirms the reasoning of the Court of Appeal that the statements of the accused were insulting to Muslims and people of Turkish origin. The statements were gratuitously offensive. The Court considered the possibility of whether the statements made by the accused contributed to the public debate or were an expression of an artistic or humourist endeavor. Ultimately, the Court rejected this possibility.	An appeal to artistic expression (satire) does not preclude the criminality of statements which are obviously insulting to people because of their religion or race.	"Het hof is van oordeel dat de tenlastegelegde uitslatingen op zichzelf beschouwd al beledigend zijn voor moslims en mensen van Turkse afkomst nu zij daarin worden vergeleken met berberapen respectievelijk kakkerlakken, ratten en verkrachters. Maar ook in de context van de artikelen waarin de desbetreffende uitslatingen zijn opgenomen, zijn die uitslatingen onmiskenbaar beledigend voor groepen personen wegens hun ras en/of godsdienst. Hoewel in die artikelen hier en daar wordt gesproken van radicalen, terroristen, racisten en extremisten, zijn het overduidelijk steeds moslims (en Turken) die als collectief worden aangesproken, getuige bijvoorbeeld de aanduiding van het aantal moslims in Nederland (een miljoen). " "The court is of the opinion that the alleged statements on themselves are already offensive to Muslims and people of Turkish origin as they are compared monkeys and cockroaches, rats and rapists respectively. But in the context of the articles in which these statements are incorporated, these statements are undeniably offensive to groups of people because of their race and / or religion. Although these articles include some offensive statements about radicals, terrorists, racists and extremists, it is obvious that most statements address Muslims (and Turks), witness, the indication of the number of Muslims in the Netherlands (one million)."

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

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