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
Spain	2012	Spain / Vigo Criminal Court / No. 22/2012	https://www.iberley.es/jurisprudencia/sentencia-penal-n-22-2012-jp-vigo-sec-2-rec-262-2011-24-01-2012-13873631	Racial or ethnic origin	Vigo Criminal Court (Juzgado de lo Penal de Vigo)	The two defendants, Ceferino and Justiniano, both followers of Nazi ideology, were acquitted of incitement to hatred (article 510 of the Criminal Code), but Ceferino was condemned under a different provision of the Criminal Code for disseminating ideas or doctrines that justify genocide (article 607.2 of the Criminal Code). Since 2006, Ceferino had been sending messages in support of Nazi ideology and objectives through the nationalist Forum, www.my-forum.org. Justiniano accompanied him by making two wall paintings and by taking certain photographs showing the Nazi symbols. Justiniano was exonerated of all crimes.	Ceferino is condemned under the article 607.2 of the Criminal Code, that contains the prohibition of disseminate ideas or doctrines that justify the genocide. With a penalty of 1 year and 6 months in prison. Ceferino is acquitted of a crime against fundamental rights and public liberties under the art. 510 CC. Justiniano is absolved of both crimes: the one against the fundamental rights and public freedoms (article 510 of the CC) and of a crime of disseminate ideas or doctrines that justify the genocide (article 607 of the CC).	The reasoning behind the application of article 607.2 of the Criminal Code (hereinafter CC) was based on the dissemination of expressions on internet, with a degrading content towards other groups identified by their colour or ethnicity, and to undermine their dignity and to promote the establishment of Governments based on the Nazism national socialist ideology. The argumentation followed also stated that even though the article 510 of the CC punishes those who cause discrimination, hatred or violence against groups or associations, it´d be necessary at least a direct incitation, that was not concluded in this case.	The article 607.2 of the CC applied in line with the Constitutional judgment (STC 235/2007). This judgment requested that if a dissemination of views denying the genocide were penalized it should be enough to create an attitude of hostility towards the affected group. The Vigo´s Court found this was the case. The article 510 CC was not applied because the judgement follows the legal doctrine that states that the meaning and extension of the term "provocation" should imply a direct incitement and publicity, and does not consider that the "simple" aim of the incitement should be punishable.	"unos mismo hechos no pueden suponer una incitación indirecta a la discriminación (art. 607.2 del CP) y una incitación directa a los mismos fines y por las mismas razones (art. 510 del CP). Ello determina la absolución del Ceferino como autor de un delito del art. 510 del CP." "Same facts cannot qualify as an indirect incitement to discrimination (article 607.2 of the CC) and a direct incitement to the same purpose, and for the same reasons (art. 510 CP). This determines Ceferino to be absolved as author of a crime of the article 510 of the CC."

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