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
Finland	2013	Finland / Kouvola Court of Appeal / R 12/385, Number 103		Religion, Racial or ethnic origin	The Kouvola Court of Appeal (Kouvolan hovioikeus/Kouvola hovrätt)	The defendant appealed to the Kouvola Court of Appeal against the judgement of the Kymenlaakso District Court on 30 March 2012, by which he was convicted for incitement to hatred. The defendant was convicted for publishing the following insulting message on the Uusi Suomi website: "I don't mind what the Saudis do in their own country, it's none of our business. The positive thing is that when a Muslim girl is killed, there is one potential Muslim child-bearer less." The defendant claimed that his comment was justified by his own immigrant background and he maintained that the act was not deliberate as he did not understand that the statement could be interpreted as slanderous. The defendant was a municipal politician when committing the crime.	The defendant was ordered to pay 35 day fines (420 euros).	The Court of Appeal concluded that the defendant had made available to the public information wherein a certain group (Muslims) was insulted on the basis of its ethnic origin or religious beliefs. The court stated that these insulting statements do not enjoy the protection of the freedom of expression irrespective of whether the statements made are considered political in their nature (the defendant was a municipal politician) or whether the defendant himself consider them humoristic. Thus the defendant was convicted of incitement to hatred. The Court of Appeal considered the defendant's statement insulting and its publication to have been intentional and decided not to repeal the decision of the District Court.	According to the judgement, the statement insults the religion of all those belonging to this religious group. It is irrelevant whether the defendant himself consider them humoristic or whether the statements made are considered political in their nature.	"Kirjoituksensa toisessa virkkeessä van Wonterghem on pitänyt muslimitytön tappamista myönteisenä nimenomaan tämän uskonnon perusteella. Hovioikeus katsoo tämän lausuman olevan omiaan levittämään vihamielisyyttä islamin uskoa tunnustavia kohtaan. Samalla kirjoitus on kaikkien kyseiseen uskontokuntaan kuuluvien uskontoa loukkaava." "In the second sentence of his statement, van Wonterghem has considered the killing of a Muslim girl as a positive act, specifically because of her religion. The Court of Appeal considers this statement to be likely to incite hatred toward Muslims. At the same time, the statement insults the religion of all those belonging to this religious group."

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