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

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Luxembourg	2013	Luxembourg / District Court / Case no. 577/2013 / Judgement / The Public Prosecutor v. A. B. C. D	http://justice.public.lu/fr/actualites/2013/02/jugement-incitation-haine/index.html?highlight=haine	Religion, Racial or ethnic origin	Luxembourg District Court (Tribunal d'arrondissement)	This case differs from the general case law regarding incitement to hatred. The case concerns a defendant with a link to the extreme right movement who deliberately created a fake alias on a social media platform, pretending to be a foreigner attacking Luxembourg. He published threats and hate comments against Luxembourgish people, nation and language, with the aim to provoke a negative reaction and to incite hatred against foreigners and migrants.	Three of the defendants were convicted to 6 months suspended prison sentences, while one of the defendants was convicted to 6 months in prison.	The four authors of the comments, who admit to having written the messages, are accused of having disseminated, by the use of a mobile phone, written messages inciting hatred against specific groups or communities, based on their real or perceived belonging, to an ethnic group, a nation or a given religion.	Broad interpretation made of Article 457-1 of the Criminal Code, which covers racist and xenophobe comments.	"En ce qui concerne l'élément matériel, il y a lieu de retenir que les propos reprochés aux prévenus B, C, D et A ont été publiés sur la page Facebook du professionnel de la presse RTL Group, de sorte qu'il y a eu mise en circulation sur le territoire luxembourgeois et transition sur le territoire luxembourgeois de différents textes contenant des propos discriminatoires. {…} Quant à C {…} il fait référence à la deuxième guerre mondiale avec l'idée, qui ne lui déplairait d'ailleurs pas {…} de débarrasser le pays des personnes de nationalités étrangères, à savoir des demandeurs d'asile, et de celles appartenant à une autre religion, les musulmans, faisant explicitement référence aux actions entreprises par Hitler {…} pour « débarasser » l'Allemagne des juifs pendant la 2ième guerre mondiale {…} Il ne fait donc pas de doute que le contenu de ces propos, mis dans le contexte de la deuxième guerre mondiale, est susceptible d'inciter à la haine raciale et à la violence contre ces personnes alors qu'C expose entre autre que le Luxembourg sera occupé dans un proche avenir par les demandeurs d'asile et des musulmans," "As regards the material element, it should be noted that the allegations against accused B, C, D and A were published on the Facebook page of the RTL Group press, so that texts containing discriminatory remarks were circulated on the territory of Luxembourg. {…} As for C {…}, he refers to the Second World War with the idea, which would not displease him […] to rid the country of people of foreign nationalities, Namely asylum seekers, and those belonging to another religion, Muslims, making explicit reference to the actions undertaken by Hitler to "rid" Germany of the Jews during the Second World War. {…} There is no doubt, therefore, that the content of these remarks, put in the context of the Second World War, is likely to incite racial hatred and violence against these persons, since C states, inter alia, that Luxembourg will be occupied in the near future by asylum seekers and Muslims."

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

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