

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
Netherlands	2014	Netherlands / District Court Amsterdam / Case no. 13-650167-13 ECLI:NL:RBAMS:2014:693	http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2014:693	Racial or ethnic origin	District Court Amsterdam (Rechtbank Amsterdam)	The moderator of a website opened a thread in which internet users were invited to vent their racist opinions. The owner and moderator of the website placed racist cartoons on this thread. Subsequently, internet users placed racist texts on this thread. The Dutch Complaints Bureau on Internet Discrimination reported this threat to the police. The Public Prosecution Service decided to prosecute the owner and moderator for making public statements or disseminating statements of which the perpetrator should have known that they are insulting to a group of persons because of their race or that they incite discrimination because of their race.	Owners or moderators of websites are not allowed under Dutch criminal law to make public any discriminatory or insulting statements about racial or ethnic groups, even when their intention is to demonstrate the stupidity of these statements. The suspects in these case have been sentenced under Article 137e of Dutch criminal code to a fine of 500 Euro. Thus both owner and moderator were ordered to pay a fine of 500 euro. The verdict described here concerns the moderator.	To disseminate images or cartoons which are very insulting and hurtful to black people on an Internet forum is forbidden under Dutch criminal law even if the suspects did not have the intention to offend people.	Disseminating racist statements (cartoons in this case) publicly on a website constitutes incitement to discrimination as prohibited by Article 137e of the Dutch Criminal Code. It also constitutes insult of a group of persons because of their race as made criminal by Article 137e of the Dutch Criminal Code. Even when the perpetrators had no intention to insult people because of their race or to incite discrimination because of their race, and tried to show the stupidity of racist statements, their actions are criminal under the Dutch Criminal Code.	"De rechtbank heeft bij de keuze tot het opleggen van de straf en bij de vaststelling van de hoogte daarvan laten meewegen dat verdachte op zijn internetforum voor negroeie personen zeer kwetende afbeeldingen heeft geplaatst. Door deze op een openbaar internetforum te plaatsen, waren ze voor een ieder toegankelijk. Hoewel de rechtbank, meer dan de officier van justitie, rekening houdt met de omstandigheid dat verdachte niet de uitgesproken bedoeling had negroeie personen te beledigen, had hij beter moeten weten. Verdachte had zich moeten realiseren dat met het plaatsen van deze onnodig grievende afbeeldingen de waardigheid van negroeie personen in grote mate wordt miskend." "In its decision to impose a penalty and in its decision to determine the severity of the penalty, the court has taken into consideration that the suspect has put on an Internet forum images which are very hurtful to black people. By placing these images on a public Internet forum, they were accessible to everyone. Although the court, more than the public prosecutor, takes into account the fact that the suspect did not have the intention to insult black persons, he should have known better. The suspect should have realized that by placing these unnecessarily hurtful images he denied to a large extent the dignity of black people." The Netherlands, District Court Amsterdam (Rechtbank Amsterdam) (2014), Case No. 13-650167-13, ECLI:NL:RBAMS:2014:693, 18 February 2014, available at: http://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBAMS:2014:693

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