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
Poland	2014	Poland / I instance: Regional Court in Bialystok / Ref. no. VII K 1018/13 / II instance: District Court in Bialystok / Ref. no. VIII Ka 577/14		Nationality	I instance: Regional Court in Bialystok, II instance: District Court in Bialystok	On August 25 2013 two Chechen women were having a walk with their small children in the city. When they were passing by the group of 3 Polish citizens, they were publicly insulted because of their nationality. Perpetrators were screaming vulgar words such as "Chechen whores!", showing offensive gestures towards them and one of them spat in the face of one victim. Women run to the nearest church and called their relatives. An incident was reported to the police.	The accused were sentenced with respectively: 3, 4 and 5 months of imprisonment. The sentence of one of the accused was suspended for the probation period of 2 years.	The Regional Court established that the crime fell under the scope of Article 257 of the Criminal Code (public insult to a group of people or an individual because of their nationality, ethnic origin, race or religion). The defence of the accused lodged an appeal arguing that the insult was not "public" since it was directed towards the victims only. The District Court upheld the ruling. The Court highlighted that the insult shall be considered "public" if it can be heard by an unlimited number of recipients, for example if it happens in a place generally accessible to indeterminate number of persons. Since the incident took place on the street near the church where some people were sitting on the benches, the insult had to be considered "public".	"Public insult" is the one that can be perceived by an unlimited number of observers and heard by an indefinite number of persons.	"Zgodnie z utrwalonym poglądem w doktrynie i orzecznictwie przez zachowanie "publiczne" należy rozumieć takie, które może zostać postrzeżone przez nieograniczony krąg adresatów, czyli dostępne dla nieokreślonej liczby osób. (...) Nie ma też wątpliwości, iż znieważenia dotyczyły ich narodowości. Jednoznacznie świadczą o tym wypowiadane wulgaryzmy z podkreśleniem "czeczeńskie". "According to the doctrine and well established case-law, "public" behaviour is the one that being perceived by an unlimited number of observers, which means that it is possible to be heard by an indefinite number of persons. (...). There is also no doubt that the insults concerned the nationality of victims. It is clearly confirmed by the vulgar words emphasising "Chechen"."

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