# 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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| Sweden | 2014 | Sweden / Scania and Blekinge Court of Appeal / Case no. B 1243-14 | | Religion | Scania and Blekinge Court of Appeal (Hovrätten över Skåne och Blekinge) | Scania and Blekinge Court of Appeal (Hovrätten över Skåne och Blekinge) overruled a verdict by Malmö District Court (Malmö tingsrätt) changing the legal classification of a crime from assault to hate crime. The case concerned a man R.Å. that attacked two women with headscarves. The District Court did not find evidence of any intent to injure the women on grounds of their religious attribute, e.g. the phrase "you are ruining the country" could not be interpreted in as such intent. However, the Court of Appeal based its argument on the same witness statements as the District Court and found the perpetrator guilty of hate crime. | The Court of Appeal affirmed the District Court's sentence of 75 hours of community service (samhällstjänst). Because of the assault's degrading nature, the damages to S.I. and M.I. were increased. R.Å. was liable to pay 15,000 SEK (1,575 Euro) to S.I. and 10,000 SEK (1,050 Euro) to M.I. | The Scania and Blekinge Court of Appeal found that the witness statements showed that R.Å. had approached the injured parties with intent. The Court of Appeal found the perpetrator's statement "you are ruining the country" as well as other witness statements confirming that R.Å. had made degrading statements about Muslims to be evidence of intent to harm the victims on the grounds of their religion. The Court of Appeal argued that since no other possible motive for the assault had been established, the only reasonable conclusion must be that R.Å. attacked the two women because they wore headscarves, which are clear symbols of their religion. Since the assault was thus considered to be a hate crime, this increased the penal value of the crime. | The key issue concerns the requirements that must be fulfilled for a crime to be interpreted as a hate crime. The two courts differed in their assessment of the content of the witness statements. The District Court did not find that the witness statements were evidence of R.Å.'s intent to attack the two injured parties because of their ethnic origin and/or faith. According to the Court of Appeal, the same witness statements proved that R.Å. had attacked M.I. and S.I because of their ethnic origin and/or faith. Thus, the Court of Appeal considered the attack to be a hate crime, which is an aggravating circumstance that affects the penalty negatively and determined the sentence based on these interpretations. | "Av utredningen framgår att såväl S.I. som M.I. bar slöja vid tillfället. Det har också framkommit att det var R.Å som aktivt sökte upp dem då de kom ut från akutmottagningen. C.O. och V.M. har berättat om hur R.Å. uttalat sig nedsättande om muslimer samt att det, enligt honom, var muslimer som orsakat hans skador och att kvinnorna han mött utanför akutmottagningen var likadana. De har också samstämmigt redogjort för R.Å. agerande mot V.M på grund av att denne är muslim. C.O. har även berättat att R.Å. under händelseförloppet uttalat att det var muslimernas fel. Mot bakgrund av det anförda och då något annat tänkbart motiv för gärningen inte framkommit kan någon annan rimlig slutsats inte dras än att R.Å angripit. S.I och M.I på grund av att de bar slöja, vilken är en tydlig symbol för deras trosbekännelse. Åtalet är således styrkt även i denna del."<br>"The investigation shows that both S.I. and M.I, were wearing headscarves at the time. It has also been found that it was R.Å who actively sought them out when they came out of the emergency room. C.O. and V.M. have recounted how R.Å. uttered disparaging statements about Muslims, and that he had said that it were Muslims who caused his injuries and that the women he met outside the emergency room were of the same kind. They have also coherently accounted for R.Å.'s actions against V.M. because of his identity as a Muslim. C.O. has also recounted that R.Å. during the course of events, explicitly stated that it was the Muslims' fault. Against this background and since no other possible motive for the act has been presented, no other reasonable conclusion can be drawn than that R.Å attacked. S.I. and M.I. because they were wearing headscarves, which is a clear symbol of their faith. The prosecution is thus affirmed also in this part." Sweden, Court of Appeal for Western Sweden (Hovrätten för västra Sverige), case number B 5049-14 The case is not available online but have to be requested from the court in question using the case number. |

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